



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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www.alc.gov.bc.ca

June 10, 2014

ALC File: #53389

Bonnie O'Donnell  
1739 Cedarwood Court  
Dawson Creek, BC  
V1G 4N4

Dear Madam:

**Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)**

Please find attached the Minutes of Resolution #184/2014 as it relates to the above noted application.

The Commission draws your attention to Section 33(1) of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

- 33(1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that:
- (a) evidence not available at the time of the original decision has become available,
  - (b) all or part of the original decision was based on evidence that was in error or was false.

A revised proposal does not constitute new evidence and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

Further correspondence with respect to this application is to be directed to Gordon Bednard.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Colin Fry', is written over a horizontal line.

Colin J. Fry, Chief Tribunal Officer

Enclosure: Minutes of Resolution #184/2014

cc: Peace River Regional District (File #119/2013)

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## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 28, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53389.

### COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner

### COMMISSION STAFF PRESENT:

Gordon Bednard	Planner
Jennifer Carson	Planner
Martin Collins	Regional Planner
Colin Fry	Chief Tribunal Officer

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**PROPOSAL** (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

**SUBDIVISION:** To subdivide the 4 ha lot containing the existing homes and outbuildings from the 59.2 ha subject property. The landowner is deceased and her daughter, who has lived on the property for 33 years, wishes to subdivide her home and her late mother's residence on a 4 ha lot and sell the remainder of the property to settle her mother's estate with other siblings.

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### PROPERTY INFORMATION:

**Owner:** Estate of Norma Rae Parsons – Deceased

**Agent:** Bonnie O'Donnell - Executor for the Estate of Norma Rae Parsons

**Legal:** PID: 004-676-424  
The North West  $\frac{1}{4}$  of Section 15, Township 77, Range 14, West of the 6<sup>th</sup> Meridian, Peace River District, Except Parcel A (G21907) and Plans A754 and A849

**Location:** South of Pouce Coupe

**Size:** 59.2 ha

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### LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

6 The following are the purposes of the commission:

- (a) to preserve agricultural land;
  - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
  - (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.
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### COMMISSION CONSIDERATION

After considering the file information, including the additional information provided by the applicant (at the ALC's request) dated March 31, 2014, the Commission concluded as follows:

1. The Commission assessed the agricultural capability of the subject property.

**Conclusion:**

The Canada Land Inventory (CLI) soil capability rating for the subject property is 3X indicating that the property has agricultural capability, and that cumulative and minor adverse characteristics (X) are the limiting factors to agricultural development. Much of the property is undeveloped and forested. The proposed 4 ha lot encompasses the existing homesite containing all of the dwellings and outbuildings on the property.

The applicant's March 31, 2014 letter indicates that the land is severely sloped, comprised of CLI Class 5 soils, and could not support any commercially viable agricultural operation.

The Commission discussed the discrepancy between the applicant's assessment of the agricultural capability property and the CLI assessment, and concluded that it was prudent to consider the higher capability rating as accurate until provided with evidence to the contrary.

2. The Commission assessed the agricultural impacts of the proposed subdivision.

**Conclusion:**

The subdivision of a 4 ha rural residential lot in an area of large farm parcels is not consistent with the objectives of the *Agricultural Land Commission Act (ALCA)*; to preserve agricultural land and encourage farming. Subdivision incrementally erodes the arable land base and introduces residents into farm areas, potentially resulting in farm/residential conflicts. The proposed 4 ha lot severs the existing homesite requiring its reconstruction elsewhere on the property, to the detriment of the land's agricultural potential.

3. The Commission considered the "estate" rationale for the application.

**Conclusion:**

The Commission's consideration of subdivision proposals must be in accordance with the purposes of the ALCA provided in section 6; to preserve agricultural land and encourage farming. It does not believe that subdivision to settle estates or secure equitable inheritances preserves agricultural land or encourages farming.

**IT WAS**  
**MOVED BY:           Commissioner Gillette**  
**SECONDED BY:       Commissioner Thibeault**

THAT the application to subdivide a 4 ha lot from the 59.2 ha subject property be refused.

**CARRIED**  
**Resolution #184/2014**