



**Agricultural Land Commission**  
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May 22, 2014

ALC File: #53606

Mark Rossmann  
HBH Land Surveying Inc.  
P.O Box 536  
Smithers, B.C. V0J 2N0

Dear Mr. Rossmann:

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

Please find attached the Minutes of Resolution #150/2014 as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

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 Liz Sutton.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Colin J. Fry, Chief Tribunal Officer

Enclosure: Minutes of Resolution #150/2014

cc: Bulkley-Nechako Regional District (File # 1154)

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## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 26, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53606.

### 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:

Jennifer Carson	Planner
Liz Sutton	Planner
Brian Underhill	Deputy Chief Executive Officer
Colin Fry	Chief Tribunal Officer

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

To subdivide a 3.6 ha property into two lots of 1.6 ha and 2 ha. Proposed Lot 1 contains an existing three bedroom mobile home. Proposed Lot 2 is intended to be used as a rustic agro-tourism-based campground and residence.

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### PROPERTY INFORMATION:

**Owner:** Massimiliano Pelotti

**Legal:** PID: 018-167-594  
Lot A, District Lot 755, Range 5, Coast District, Plan PRP13548

**Location:** 20626 Highway 16, southeast of the Village of Telkwa

**Size:** 3.6 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

The Commission reviewed a previous application that created the subject property:

Application #04175 To subdivide a 1.7 ha lot and a 1.8 ha lot from a 16 ha parcel.  
(Karelis, 1977) The Commission refused the application as submitted but allowed the subdivision into a 3.5 ha lot and a 11.6 ha lot. Resolution #7967/78.

**Note: This resolution created the subject parcel.**

After considering the information the Commission concluded as follows:

1. In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system.

The improved agricultural capability rating identified on CLI map sheet 93L/10 for the subject property is Class 3X.

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

The limiting subclass associated with this parcel of land is X (combination of soil factors).

The Ministry of Agriculture's District Agrologist also indicated that the subject property has Class 3 soils with minor cumulative limitations which *"is one of the highest (favourable) ratings found in this Region of BC. The parcel does have a gentle to moderate northern aspect but also has plentiful access to water"*. The District Agrologist further stated that *"it is my opinion that fragmentation of the parent parcel (by proposed subdivision) will negatively impact future agricultural potential"*.

**Conclusion:** The subject property has agricultural capability in its current size and configuration.

2. In a letter from HBH Land Surveying (dated November 6, 2013) submitted to the Regional District of Bulkley-Nechako on behalf of the applicant, the rationale for subdivision states:

*"As the existing parcel is already less than 10 acres, the proponent feels its agricultural potential is limited by the small size; but, by establishing revenue from an agro-tourism based business, the agricultural value will be increased"*.

**Conclusion:**

The Commission does not support the subdivision of ALR properties into smaller parcels as it often reduces the types of agriculture that can occur on the property. Further, The APC did not support the application as they indicate *"potential for the agricultural use of the property would be diminished by the proposed subdivision"*.

**COMMENT**

That as to the agro-tourism aspect of the proposal, the Commission advises the applicant that in order to establish an agri-tourism business or agri-tourism accommodation pursuant to s. 2 and s. 3 (respectively) of BC Regulation 171/2002 (*Agricultural Land Reserve Use, Subdivision and Procedure Regulation*), the subject property must be classified as "Farm" by BC Assessment prior to an agri-tourism business being established.

**IT WAS**

**MOVED BY:** Commissioner Bullock  
**SECONDED BY:** Commissioner Johnson

THAT the proposal to subdivide the subject property be refused.

**CARRIED**

**Resolution #150/2014**