



**Agricultural Land Commission**  
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June 3, 2016

ALC File: 54208

Della Mills  
6940 Roughton Road  
Prince George, BC V2M 7C6

Dear Ms. Mills:

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

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #186/2016) as it relates to the above noted application.

Your attention is drawn to s. 33(1) of the *Agricultural Land Commission Act* which provides a person affected the opportunity to submit a request for reconsideration.

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.

Please note that pursuant to s. 33.1 of the *Agricultural Land Commission Act*, the Chair may direct the executive committee to reconsider this panel decision if, within 60 days from the date of this decision, he considers that the decision “may not fulfill the purposes of the commission as set out in section 6 or does not adequately take into account the considerations set out in section 4.3”. I can advise you that in this case, the Chair has already reviewed the decision and has instructed me to communicate to you that he does not intend to exercise that authority in this case.

Further correspondence with respect to this application is to be directed to Jess Daniels at (Jessica.Daniels@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Colin J. Fry, Chief Tribunal Officer

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Enclosure: Reasons for Decision (Resolution #186/2016)

cc: City of Prince George (File: AR100028)

54208d1



## **AGRICULTURAL LAND COMMISSION FILE 54208**

### **REASONS FOR DECISION OF THE NORTH PANEL**

**Application submitted pursuant to s. 21(2) of the *Agricultural Land Commission Act***

**Applicant:**

**Della Mills  
(the “Applicant”)**

**Application before the North Regional Panel:**

**Dave Merz, Panel Chair  
Sandra Busche  
Garry Scott**



## **THE APPLICATION**

[1] The legal description of the property involved in the application is:

Parcel Identifier: 009-094-130

DISTRICT LOT 10237, CARIBOO DISTRICT

EXCEPT: FIRSTLY; PART DEDICATED ROAD ON PLAN 20383

SECONDLY; PART DEDICATED ROAD ON PLAN BCP38760

(the "Property")

[2] The Property is 31.3 ha in area.

[3] The Property has the civic address 6940 Roughton Road, Prince George.

[4] The Property is located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").

[5] The Property is located within Zone 2 as defined in s. 4.2 of the *ALCA*.

[6] Pursuant to s. 21(2) of the *ALCA*, the Applicant is applying to subdivide the Property into two parcels of 16.3 and 15 ha. The purpose of the proposed subdivision is to allow the Applicant's son to develop a home and small hobby farm on the forested portion of the Property and help with hay production (the "Proposal"). The Proposal along with supporting documentation is collectively (the "Application").

## **RELEVANT STATUTORY PROVISIONS**

[7] The Application was made pursuant to s. 21(2) of the *ALCA*:

21(2) An owner of agricultural land may apply to the commission to subdivide agricultural land.

[8] The Panel considered the Application pursuant to its mandate in s. 4.3 of the *ALCA*:

4.3 When exercising a power under this Act in relation to land located in Zone 2, the commission must consider all of the following, in descending order of priority:

- (a) the purposes of the commission set out in section 6;
- (b) economic, cultural and social values;
- (c) regional and community planning objectives;
- (d) other prescribed considerations.

[9] The purposes of the Commission set out in s. 6 are as follows:

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.

### **EVIDENTIARY RECORD BEFORE THE PANEL**

[10] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Previous application history
4. Agricultural capability map, ALR context map and satellite imagery



[11] The Panel reviewed one previous application involving the Property:

Application ID: 20294  
Legacy File: 26236  
(Newman, 1991)

To subdivide the 31 ha property into two residential parcels. By Resolution #533/92, the Commission refused the proposal. More specifically, *“It is the Commission’s view that the long term farming potential of your property and the surrounding area can best be maintained by discouraging further residential development. Increases in permanent residential development and subdivision are not considered to be in keeping with the intent of the agricultural land preservation program.”*

### **SITE VISIT**

[12] The Panel, in the circumstances of the Application, did not consider it necessary to conduct a site visit to the Property based on the evidentiary record associated with the Application.

### **FINDINGS**

#### **Section 4.3(a) and Section 6 of the ALCA: First priority to agriculture**

[13] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified using the Canada Land Inventory (CLI), ‘Soil Capability Classification for Agriculture’ system. The improved agricultural capability ratings identified on CLI map sheet 93G/15 for the mapping units encompassing the Property are Class 4 and Class 5; more specifically 100% (8:4T - 2:5W).

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

The limiting subclasses associated with this parcel of land are W (water excess) and T (topographic limitations).

[14] The Panel reviewed the CLI ratings and find that the Property has moderate agricultural capability.

[15] The Applicant stated the following: *“The current use of this parcel of land is heavily forested and not suitable for hay production. It would allow our son to clear the trees for the purpose of building a home as well as purchase livestock. We have chosen this lot configuration to maximize our hay field production and allow for trees to be removed from the heavily forested area. The current use of the heavily forested area has little benefit to our farm and will allow for our son to have his piece of Cranbrook hill.”*

[16] In the City of Prince George (the “City”) Report to Council, planning staff provided the following information: *“The current property owner purchased the property in 1994 and has Farm Status under the Assessment Act. The property owner has made several agricultural improvements, and the subject property is currently developed with an existing residence, two barns for hay and farm equipment storage, and an 11.7 ha hay field. A 19.6 ha undeveloped forested area exists on the property.”*

[17] Ministry of Agriculture Regional Agrologist, Lavona Liggins, provided the following comments: *“Subdivision erodes the long term agricultural and economic potential of parcels and increases land cost per acre. This increased cost limits farm business opportunities. In some cases subdivision has been shown to increase conflict between adjacent land uses. These outcomes are not in the interest of agriculture...The proposed layout impacts operational capacity”*

[18] In her referral, Ms. Liggins highlighted three options which would fulfill the goals of the Proposal under s. 3 of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulations*.

[19] The Panel notes that the Property has moderate agricultural capability and that the Proposal has non-support from the Ministry of Agriculture.

Section 4.3(b) of the ALCA: Second priority to economic, cultural and social values

[20] The Applicant stated the following regarding economic, cultural and social values:

*“The subdivision will allow our son to build a home and small hobby farm which will allow him to help us with hay production and keep the Mills family farm fully operational.”*

Section 4.3(c) of the ALCA: third priority to regional and community planning objectives

[21] The Property is designated Rural Resource in the City's Official Community Plan ( the “OCP”), Bylaw No. 8383, (2011) wherein the minimum lot size is 15 ha; therefore, the Proposal is consistent with the OCP.

[22] The Property is zoned Agriculture & Forestry (AF) in the City's Zoning Bylaw No. 7850, (2007) wherein the minimum lot size is 15 ha; therefore, the Proposal is consistent with zoning.

Weighing the factors in priority

[23] The Panel found that the Property has moderate agricultural capability and consists of good farmland.

[24] The Panel is concerned with the size of the Property and the potential impact of the Proposal. The Panel is of the opinion the 31.3 ha Property is small from an agricultural perspective and believes subdivision would reduce the agricultural options and farming potential of the Property.

[25] The Panel concurs with the Ms. Liggins' comments and finds that the residential uses accommodated in the Regulation are sufficient with respect to the Property. BC Regulation 171/2002 (*Agricultural Land Reserve Use, Subdivision and Procedure Regulation*) (the “Regulation”) permits specific additional residential use in the ALR. Section 3(1)(b.1) provides:



3 (1) The following land uses are permitted in an agricultural land reserve unless otherwise prohibited by a local government bylaw or, for lands located in an agricultural land reserve that are treaty settlement lands, by law of the applicable treaty first nation government:

...

- (b.1) for a parcel located in Zone 2,
  - (i) one secondary suite within a single family dwelling,
  - (ii) either
    - (A) one manufactured home, up to 9 m in width, for use by a member of the owner's immediate family, or
    - (B) accommodation that is constructed above an existing building on the farm and that has only a single level.
  - (iii) a second single family dwelling, but only if the parcel is at least 50 ha in size and if the total area occupied by all residences and other residential structures, roads and service lines, and all land between them, is 4 000 m<sup>2</sup> or less.

[26] The Panel gave consideration to economic, social and cultural values and regional and community planning objectives planning as required by s. 4.3. In this case, the Panel finds that these considerations are not contributory to the decision given the Panel's finding following its review of the agricultural considerations.

## **DECISION**

[27] For the reasons given above, the Panel refuses the Proposal to subdivide the Property into two parcels of 16.3 and 15 ha.

[28] Panel Chair **Dave Merz** concurs with the decision.  
Commissioner **Sandra Busche** concurs with the decision.  
Commissioner **Garry Scott** concurs with the decision.

[29] Decision recorded as Resolution #186/2016.



A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *Agricultural Land Commission Act*.

\*\*\*\*\*

Upon instruction of the Panel, I have been authorized to release the Reasons for Decision by Resolution #186/2016. The decision is effective upon release.

A handwritten signature in black ink, appearing to be 'CJF', is written over a light gray rectangular background.

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**Colin J. Fry, Chief Tribunal Officer**

**June 3, 2016**

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**Date Released**