



Agricultural Land Commission
133–4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

July 4, 2016

ALC File: 54234

Anne Heather Clayton
Aspen Grove Property Services
#104, 1001 – 102 Avenue
Dawson Creek, BC V1G 2B9

Dear Mrs. Clayton:

Re: Reconsideration by the Executive Committee – Resolution #4/2016

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #250/2016) as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly.

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:

A handwritten signature in black ink that reads 'Jess Daniels' in a cursive, flowing script.

Colin J. Fry, Director of Policy and Planning

Enclosure: Reasons for Decision (Resolution #250/2016)

cc: Peace River Regional District (File: 168/2015)

54234d2



AGRICULTURAL LAND COMMISSION FILE 54234

REQUEST FOR RECONSIDERATION REASONS FOR DECISION OF THE EXECUTIVE COMMITTEE

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

Applicant:

**Lawrence Young
Yvonne Young
(the “Applicants”)**

Agent:

**Anne Heather Clayton
Aspen Grove Property
Services
(the “Agent”)**

Application before the Executive Committee:

**Frank Leonard, Chair
William Zylmans
Lucille Dempsey
Jennifer Dyson
Sharon Meilnichuk
Dave Merz
Gerald Zimmermann**

Attachments:

Exhibit A – Reasons for decision of the North Panel, Resolution #4/2016



Reasons for Decision of the Executive Committee
Reconsideration of Resolution #4/2016, Application 54234

Exhibit B – January 18, 2016 Chair Referral of Resolution #4/2016 to the Executive Committee



Reasons for Decision of the Executive Committee
Reconsideration of Resolution #4/2016, Application 54234

THE APPLICATION

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

Parcel Identifier: 014-434-474

Parcel A (G7438) of the North East ¼ of Section 11, Township 77, Range 14, West of the 6th Meridian, Peace River District
(the “Property”)

[2] The Property is generally described as being located south of Pouce Coupe along the Old Edmonton Highway and Brown Pit Road, west of Tupper River.

[3] The Property is 47.9 ha in area.

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

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

[6] Pursuant to s. 21(2) of the ALCA, the Applicants applied to subdivide a 4.8 ha lot (11 .6 acres) from the property which is separated by the Old Edmonton Highway (the “Proposal”). The Proposal along with supporting documentation is collectively the “Application”.

EVIDENTIARY RECORD BEFORE THE EXECUTIVE COMMITTEE

[7] The Executive Committee considered the following evidence:

1. The Application
2. Local government documents
3. Agricultural capability map, ALR context map and satellite imagery
4. Decision minutes of Resolution #4/2016



Reasons for Decision of the Executive Committee
Reconsideration of Resolution #4/2016, Application 54234

FINDINGS

- [8] The Executive Committee concurs with the Panel's observations and findings (paragraph 15 of Resolution #4/2016) in that the Property has agricultural capability and is in agricultural production (pasture/hayland).
- [9] The majority of the Executive Committee does not agree with the Applicants' comments (paragraph 16) with respect to farming the triangle east of the highway as valid reasons for subdivision. The majority of the Executive Committee concurs with Vice Chair Dave Merz' reasons for dissent (outlined in paragraph 32 of Resolution #4/2016). In particular, The Executive Committee does not believe that traffic on the Old Edmonton Highway is busy or frequent enough to impede farming operations. Furthermore, the majority of the Executive Committee does not consider that the agricultural operations currently on the Property (i.e. pasture/hayland) warrant frequent crossing of the highway.
- [10] The majority of the Executive Committee shares the concern expressed by Vice Chair Dave Merz (outlined in Paragraph 32 of Resolution #4/2016) with respect for the potential of residential intrusion and the removal of land from agricultural production. Further, the majority notes that there is no guarantee that the parcel would be used as a hobby farm.

Weighing the factors in priority

- [11] The majority of the Executive Committee does not agree with the finding of the majority of the North Panel that the area of the proposed parcel is not suitable for agriculture use. The majority believes that the area of the proposed parcel is suitable for agricultural use and that the agricultural reasons for subdivision are not valid when considering the frequency of traffic along the Old Edmonton Highway and the nature of the agricultural operations.



Reasons for Decision of the Executive Committee
Reconsideration of Resolution #4/2016, Application 54234

- [12] The majority of the Executive Committee believes the Proposal will introduce a residential intrusion into the area and remove agricultural land from production.
- [13] The majority of the Executive Committee confirms that the considerations given to economic, social and cultural values and regional and community planning objectives planning as required by s. 4.3 are not contributory to the decision given the review of the agricultural considerations.

DECISION

- [14] For the reasons given above, the Executive Committee reverses the decision of the North Panel and refuses the Proposal to subdivide a 4.8 ha lot from the Property as severed by the Old Edmonton Highway.
- [15] Frank Leonard, Chair concurs with the decision.
Lucille Dempsey concurs with the decision.
Jennifer Dyson concurs with the decision.
Dave Merz concurs with the decision.
Gerald Zimmermann concurs with the decision.
William Zylmans concurs with the decision.
- [16] Vice Chair Sharon Mielnichuk does not concur with the decision for the following reasons: *“Given the location of the land and the type of farming present in the area the said piece presents a barrier to congruent farming practices, also the small piece could be used as a hobby farm or a small commercial holding for alternate crops”.*
- [17] The decision by majority vote is recorded as Resolution #250/2016.

A decision of the Executive Committee is a decision of the Commission pursuant to s. 10(3) of the *Agricultural Land Commission Act*.



Reasons for Decision of the Executive Committee
Reconsideration of Resolution #4/2016, Application 54234

Upon instruction of the Executive Committee, I have been authorized to release the Reasons for Decision by Resolution #250/2016. The decision is effective upon release.

A handwritten signature in black ink, appearing to be 'CJF', is positioned above the name of the Director of Policy and Planning.

Colin J. Fry, Director of Policy and Planning

July 5, 2016

Date Release