



July 25, 2016

Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
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www.alc.gov.bc.ca
ALC File: 54828

Tryon Land Surveying Ltd.
10201 17th Street
Dawson Creek, BC
V1G 4C3

Attention: Kathleen Lush

Dear Ms. Lush:

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

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #278/2016) as it relates to the above noted application. A sketch plan depicting the decision has been attached. As agent, it is your responsibility to notify your client accordingly.

Please send two (2) paper copies or one (1) electronic copy of the final survey plan to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

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 will follow up with you in this regard once I have received instructions from the Chair.

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, appearing to be 'CJF', written over a white background.

Colin J. Fry, Director of Policy and Planning

Enclosures: Reasons for Decision (Resolution #278/2016)
Sketch plan

cc: Peace River Regional District (File: 064/2016)

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AGRICULTURAL LAND COMMISSION FILE 54828

REASONS FOR DECISION OF THE NORTH PANEL

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

Applicant:

**Loretta Vause
(the “Applicant”)**

Agent:

**Tryon Land Surveying Ltd.
(the “Agent”)**

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: 014-605-996

THE SOUTH WEST ¼ OF SECTION 32, TOWNSHIP 79, RANGE 16, WEST OF
THE 6TH MERIDIAN, PEACE RIVER DISTRICT, EXCEPT PLANS H903, PGP38687
AND BCP14002
(the “Property”)

[2] The Property is 57.7 ha in area.

[3] The Property is generally described as being located in Farmington, BC.

[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 24.8 ha and 32.9 ha as divided by the Alaska highway (the “Proposal”). The Proposal along with supporting documentation are 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

All documentation noted above was disclosed to the Agent in advance of this decision.

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

Application ID: 30612
(Watson, 1984)

To subdivide the Property into two parcels as divided by the Alaska Highway. The Commission approved the application on the condition that the applicant consolidate

either:

- the portion of the Property situated north of the Alaska Highway with an adjacent property (e.g. the North West ¼ Section 32, Township 79, or
 - the portion of the Property situated south of the Alaska Highway with an adjacent property (e.g. the North West ¼ Section 29, Township 79).
- Resolution #1084/84.

Note: The subdivision/consolidation was not pursued.

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 93P/16 for the mapping units encompassing the Property are Class 3 and Class 4; more specifically 95% 3C and 5% 4X.

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.

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

The limiting subclasses associated with this parcel of land are C (adverse climate) and X (combination of soil factors).

- [14] The Panel reviewed the CLI ratings and find that the Property has good agricultural capability.
- [15] The Applicant provided the following information regarding the Property: *“The part of the property south of the highway is mostly cropped, with a small portion treed along 2 (two) creeks...there are no agricultural buildings on the property. The farming operation is run from another property owned by the applicant's husband...the north side of the property is wooded (approx. 17ha), with the homesite and related out buildings occupying approximately 6ha, and a small field occupying approximately 2ha...”*
- [16] Peace River Regional District (the “PRRD”) Planning Staff provided the following information regarding the Property: *“The subject property is separated by the Alaska Highway. The northernmost portion is largely forested with developed residential use, and two small agricultural fields. The southernmost portion is mostly in agricultural production with riparian forested areas along two creeks...The applicant is retiring from farming and wishes the portion that is fully farmland to be sold or rented to another farmer. Has been owned and farmed by the family since the 1950's and the present owners has owned the land for over 20 years...the subdivision would pose no negative impacts to the agricultural use of both the subdivisions unless the most southern proposed subdivision is later developed for residential use”.*
- [17] The Applicant provided the following information regarding the suitability of the Property for subdivision: *“The owner would like to sell the farmed part of the property so that it will continue to be farmed into the future. The owner is preparing to retire from farming...Subdivision of the farmed portion of the property will facilitate its continued use as farmland by another farmer”.*

[18] The Panel considered the context of the Property and notes the comment provided by PRRD Planning Staff: “*The parcel abuts the Alaska Highway and Mason roads which are major transportation routes in the area*”.

[19] In an email to PRRD Staff, the Agent pointed out the difficulties in farming the Property as a cohesive unit owing to safety challenges in moving equipment across the highway.

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

[20] The Applicant did not specifically cite economic, cultural and social values.

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

[21] The Property is designated Agriculture-Rural in the PRRD Official Community Plan (OCP) Bylaw No. 1940, (2011) wherein the minimum parcel size is 63 ha.

PRRD Staff provided the following comments: “*Section 7.0 Policy 3(c) states ‘Within the Agriculture-Rural designation the minimum parcel size will not be less than 63 ha (155 acres) with the following exceptions:*

- *Where the proposed new parcel is separated from the remainder by a railway. Road right-of-way or significant topographical constraint.’*

Based on these policy directions, the application is consistent with the OCP”.

[22] The Property is zoned A-2 (Large Agricultural Holdings Zone) within the Dawson Creek Rural Area Zoning Bylaw No. 479, (1986) wherein the minimum parcel size is 63 ha.

PRRD staff provided the following comments: *Part 6 section viii states: ‘the minimum parcel size is 63 hectares (155 acres) except as noted below:*

- *(c) for those portions of a parcel which are situated on either side of a railway right-of-way, road right-of-way or a watercourse there is no minimum parcel size*

subject to the Local Services Act only so far as to permit subdivision along the railway right-of-way, road right-of-way or watercourse;

- *(d) for those fractional portions of a parcel that are the remainder of a quarter section as delineated by Quarter section Boundaries, the minimum parcel size is 50 hectares (124 acres)*

...One parcel will be approximately 25 ha and the other will be 33 ha. However should the proposal meet the requirements for subdivision under Section 514 of the Local Government Act, a zoning amendment would not be necessary.

Weighing the factors in priority

[23] In considering s. 4.3 (a) and the first priority to agriculture, the Panel notes that the Property has good agricultural capability and is currently used for farming. The Panel notes that proposed parcel to be retained by the Applicant is treed and contains the existing homesite and related out buildings, while the southern portion is presently farmed from an adjacent property to the south.

[24] The Panel agrees that the bisection of the Property by the Alaska Highway poses considerable safety challenges to farming the Property as one unit; particularly when considering the proximity of the Property to a major intersection.

[25] For the above reasons, the Panel does not believe that the Proposal will negatively impact agriculture.

[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 approves the Proposal.

[28] The Proposal is approved subject to the following conditions:

- a. the subdivision being in substantial compliance with the plan submitted with the Application; and
- b. the subdivision being completed within three (3) years from the date of release of this decision.

[29] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

[30] Panel Chair **Dave Merz** concurs with the decision.

Commissioner **Sandra Busche** concurs with the decision.

Commissioner **Garry Scott** concurs with the decision.

[31] Decision recorded as Resolution #278/2016.

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 #278/2016. The decision is effective upon release.

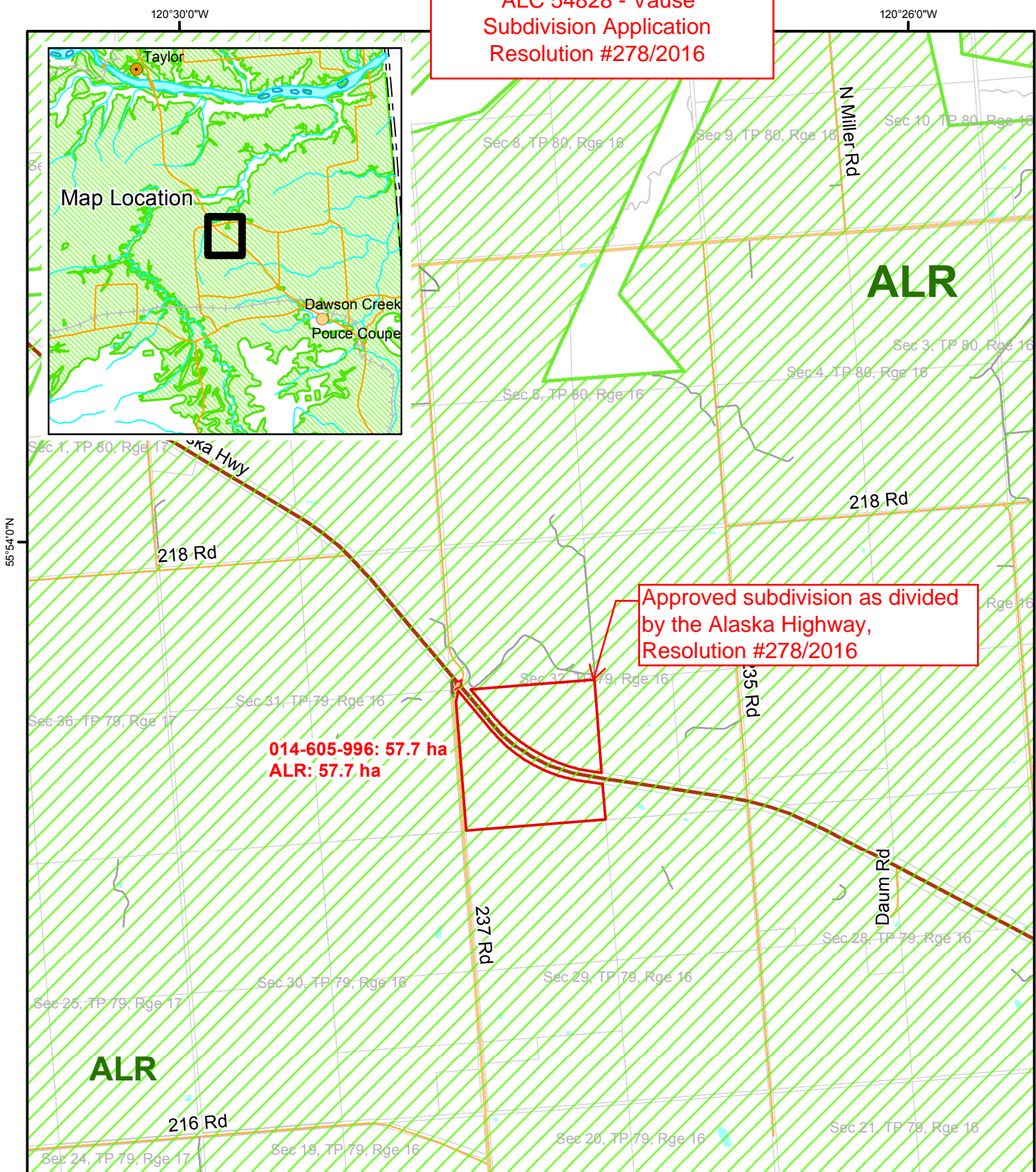


Colin J. Fry, Director of Policy and Planning

July 25, 2016

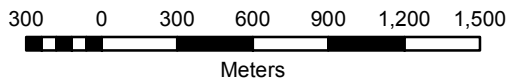
Date Released

**ALC 54828 - Vause
Subdivision Application
Resolution #278/2016**



ALR Context Map

Map Scale: 1:30,000



ALC File #:	54828
Mapsheet #:	93P/16
Map Produced:	June 27, 2016
Regional District:	Peace River