



Agricultural Land Commission
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November 10, 2016

ALC File: 55418

Raymond L'Heureux
10408 114A Avenue
Fort St. John, BC V1J 7J2

Dear Mr. L'Heureux

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

Please find attached the Reasons for Decision of the North Panel (Resolution #376/2016) as it relates to the above noted application.

Reconsideration of a Decision as Directed by the ALC Chair

Please note that pursuant to [s. 33.1 of the *Agricultural Land Commission Act*](#), the Chair may direct the executive committee to reconsider any 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 s. 6, or does not adequately take into consideration s. 4.3.

You will be notified in writing if the Executive Committee is directed to reconsider your decision. The Commission advises you to take this 60 day period into consideration prior to proceeding with any actions upon this decision.

Reconsideration of a Decision by an Affected Person

We draw your attention 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.

For further clarity, s. 33.1 and s. 33(1) are separate and independent sections of the *Agricultural Land Commission Act*.

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

A handwritten signature in black ink that reads "Jess Daniels". The signature is written in a cursive, flowing style.

Jess Daniels, Land Use Planner

Enclosures: Reasons for Decision (Resolution #376/2016)
Sketch Plan

cc: Peace River Regional District (File:117/2016)

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AGRICULTURAL LAND COMMISSION FILE 55418

REASONS FOR DECISION OF THE NORTH PANEL

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

Applicant:

**Raymond L'Heureux,
(the "Applicant")**

Application before the North Regional Panel:

**Dave Merz, Panel Chair
Sandra Busche**



THE APPLICATION

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

Parcel Identifier: 010-162-992

The South 1/2 OF Section 4, Township 85, Range 15, West of the 6th Meridian,
Peace River District (the "Property")

[2] The Property is 128.7 ha in area.

[3] The Property is generally described as being located on Cecil Lake Road, 44 km North East of Fort St John.

[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 half section (128.7 ha) into two quarter sections of approximately 64 ha each (the "Proposal"). The Proposal along with supporting documentation is collectively the application (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 Agricultural Land Commission (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. Agricultural capability map, ALR context map, and satellite imagery

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

[11] At its meeting of August 30, 2016 the Peace River Regional District (the “PRRD”) resolved to forward the Application with the following comments:



That ALR Subdivision Application 117/2016 (L'Heureux) be authorized to proceed the Agricultural Land Commission as it is consistent with the Official Community Plan.

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 94A/08 for the mapping units encompassing the Property are approximately 80% Class 4X and 20% 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.

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 X (combination of soil factors)

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

[15] The Applicant stated that the Property is currently used for grazing and hay production and that the entire parcel has been cleared, broke, and fenced. The Applicant noted that: *"The subdivision supports agriculture in the long term as it keeps the original farm intact."*

[16] The PRRD staff report provided the following information regarding.....:

- *"The subject property is surrounded by ALR lands and by agricultural uses on all sides. Adjacent parcels are half or full sections".*
- *"The original farm was 13 quarter sections and eleven of the quarters have been sold. The applicant intends to subdivide the last ½ section in order to sell the twelfth quarter as part of the original farm and keep the last quarter for himself".*
- *"The subdivision supports agriculture in the long term as it keeps the majority of the original farm intact, twelve out of the original thirteen quarter sections".*
- *"This proposal is in keeping with the context of the area".*

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

[17] The Applicant did not provide any information specifically citing economic, cultural and social values.

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

[18] The Property is designated "Agriculture-Rural" in the PRRD Official Community Plan Bylaw No. 1940 (2011) wherein the minimum parcel size is 63 ha; therefore, the Proposal is consistent with the OCP.

[19] The subject property is zoned A-2 (Large Agricultural Holdings Zone) pursuant to Zoning Bylaw No. 1000 (1996) wherein the minimum parcel size is 63 ha; therefore, the Proposal is consistent with zoning.



Weighing the factors in priority

[20] In considering s. 4.3 (a) and the first priority to agriculture, the Panel notes that the Applicant wishes to retain a quarter section from his farm of 13 quarter sections which is currently being sold. The Panel notes that the Proposal is consistent with the context of the area, which is predominantly quarter and half sections. For these reasons, the Panel does not believe that the Proposal poses a negative impact to agriculture.

[21] The Panel gave consideration to economic, social and cultural values and regional and community planning objectives as required by s. 4.3. The Applicants did not provide any of economic, social, or cultural arguments in support of the Proposal. In this case, the Panel finds that the Proposal is consistent with the OCP and zoning.

DECISION

[22] For the reasons given above, the Panel approves the Proposal.

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

- a. the preparation of a subdivision plan to delineate the area to be subdivided per the drawing submitted with the Application;
- b. the subdivision be in substantial compliance with the plan submitted with the Application;
- c. submission of two (2) paper copies or one (1) electronic copy of the final survey plan to the Commission; and
- d. the subdivision plan being completed within three (3) years from the date of release of this decision.



[24] When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the subdivision plan.

[25] 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.

[26] These are the unanimous reasons of the North Panel of the Agricultural Land Commission.

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

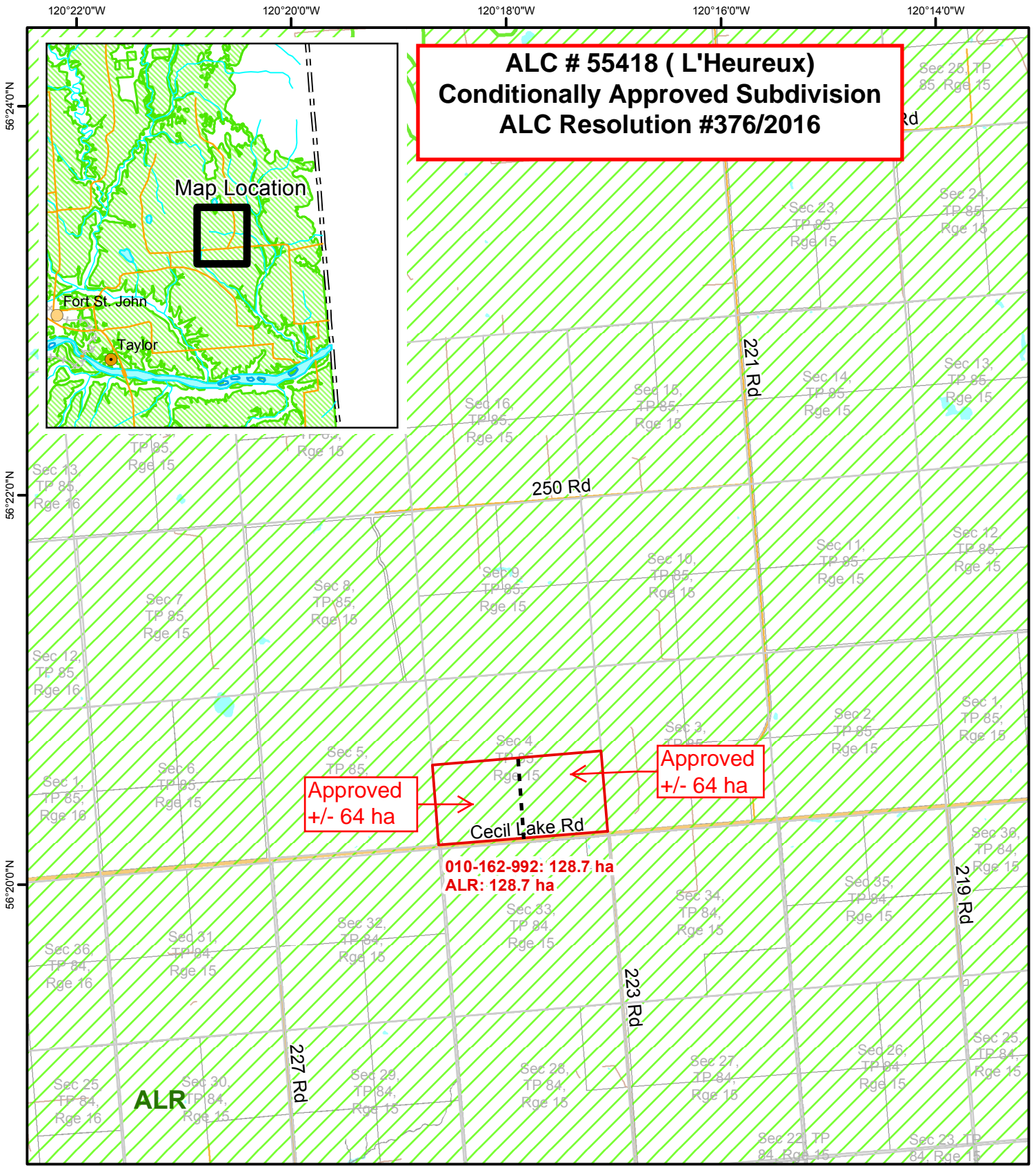
[28] This decision is recorded as Resolution #376 /2016 and is released on November 10, 2016.

CERTIFICATION OF DECISION

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

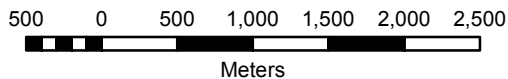
Dave Merz, Panel Chair, on behalf of the North Panel

END OF DOCUMENT



ALR Context Map

Map Scale: 1:50,000



ALC File #:	55418
Mapsheet #:	94A/08
Map Produced:	September 9, 2016
Regional District:	Peace River