



Agricultural Land Commission
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January 26, 2017

ALC File: 55445

Bonnie Adolph
2349 Pingle Creek Road
Taylor, BC V0C 2K0

Dear Ms. Adolph:

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

Please find attached the Reasons for Decision of the North Panel (Resolution #20/2017) as it relates to the above noted application. As agent, it is your responsibility to notify the applicant accordingly.

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*.

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Further correspondence with respect to this application is to be directed to Noel Allison at (Noel.Allison@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to be 'Noel Allison', written in a cursive style.

Noel Allison, Land Use Planner

Enclosure: Reasons for Decision (Resolution #20/2017)

cc: Peace River Regional District (File: 219/2016)

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AGRICULTURAL LAND COMMISSION FILE 55445

REASONS FOR DECISION OF THE NORTH PANEL

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

Applicants:

**Bonnie Adolph
Ronald Peterson
(the “Applicants”)**

Agent:

**Bonnie Adolph
(the “Agent”)**

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: 003-913-953

Parcel A (J28368) of the South ½ of Section 13, Township 82, Range 18, West of the 6th Meridian, Peace River District
(the “Property”)

[2] The Property is 128.5 ha in area (118.9 ha ALR)

[3] The Property is generally described as being located approximately 3 km southwest from the District of Taylor along the Pingel Creek Road.

[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 Applicants are applying to subdivide 2 ha from the 128.5 ha Property for their son (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. 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] At its meeting of October 27, 2016 the Peace River Regional District (the “PRRD”) resolved to forward the Application with the following comment:



That the Regional Board support ALR Subdivision Application 219/2016 (Peterson) and authorize the application to proceed to the Agricultural Land Commission as the slope on the proposed subdivision is greater than 10% with limiting agricultural use.

[12] The Panel reviewed two previous applications involving the Property:

Application ID: 43185
Legacy File: 36726
(Peterson, 2006)

To subdivide the 121.6 ha property into two 60.8 ha parcels. The Commission refused the application on the basis of reducing the agricultural options of the property. Resolution #349/2006.

Application ID: 51862
(Peterson, 2010)

To subdivide the 120 ha property into two 65 ha parcels. The Commission refused the application as the proposal posed a negative impact to agriculture and was inconsistent with the objective of the ALCA. Resolution #2821/2010.

SITE VISIT

[13] 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

[14] 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/02 for the mapping units encompassing the ALR portion of the Property is Class 4X

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

The limiting subclasses associated with the Property is X (combination of soil factors).

[15] The Panel finds that the Property has agricultural capability based on the review of the CLI ratings.

[16] The Applicants provided the following information regarding the Proposal and the Property:

- *“This piece of land sits on the top of the hill. There is only a small portion of flat land and is of no use to the rest of the property. Currently a portion of land is hayland and we have a small goat and donkey herd.”*
- *“I would like to gift the 2.0 ha parcel to my son and keep it in the family, this will allow my grandchildren to grow up in the agriculture community and allow them to start their own small agriculture operation”.*

[17] The PRRD provided the following comments regarding the context of the area and the Property:

- *“This area consists of mixed small residential parcels east of the subject parcel, however larger quarter section parcels are also in the general area.”*
- *“The area proposed to subdivide would be an area that is already developed for rural residential use”.*
- *“The property is forested along the western boundary. The proposed subdivision area has approximately an 11 % grade with a northwest facing aspect”.*
- *“This proposal could have a minimal impact on the subject property as the remainder parcel could develop another area for rural residential use. This proposal could cause potential conflict with surrounding agricultural practices, however not foreseen. The proposed subdivision is developed for rural residential use so potential to use the subdivision for agriculture is currently limited”.*



[18] There are currently two dwellings, a powerhouse and some outbuildings on the Property. The intention of the Proposal is provide a lot for the Applicants' son, however, the Panel finds that with two dwellings currently on the Property, there is an opportunity to provide a residence for the Applicants' son without the necessity to subdivide the Property.

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

[19] 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

[20] The Property is designated 'Agriculture' in the North Peace Fringe Area Official Community Plan Bylaw No. 1870, 2009 wherein the minimum parcel size is 63 ha; therefore the proposal is not consistent with the OCP.

[21] The Property is zoned A-2 (Large Agricultural Holdings Zone) within the Peace River Regional District Zoning Bylaw No. 1343, 2001 wherein the minimum parcel size is 63 ha; therefore the proposal is not consistent with the zoning.

Weighing the factors in priority

[22] In considering s 4.3 (a) and the first priority to agriculture, the Panel considered that the Property has agricultural capability, and does not wish to subdivide a 2 ha lot from the Property and introduce a residential intrusion into an area considering the context of large agricultural parcels in the area.

[23] In considering s. 4.3 (b), the Panel notes that the Applicant did not cite social, cultural and economic values.

[24] In considering regional and community planning objectives as required by s. 4.3 (c), the Panel notes that while there may be small residential parcels east of the Property,



the general area consists of larger quarter sections. The Panel believes that permitting a 2 ha parcel is inconsistent with the agricultural context of the area. The Panel notes that this position is further supported by the current agricultural OCP designation and zoning of the Property.

DECISION

[25] For the reasons given above, the Panel refuses the Proposal.

[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 #20/2017 and is released on January 26, 2017.

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

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