



**Agricultural Land Commission**  
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August 28, 2007

Reply to the attention of Simone Rivers  
ALC File: # N - 37507

Daniel York and Sasha Ann Riome  
2446 Ridgeview Place  
Prince George, BC V2K 3Z3

Dear Sir/Madam:

Re: Application to subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 398/2007 outlining the Commission's decision as it relates to the above noted application. Also enclosed for your information are Commission Policies 8 and 9 relating to manufactured homes and additional residences.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Dwain and Catherine Textor, 2453 McBride Crescent, Prince George V2M1Z9  
City of Prince George (AR100015)

Enc. Minutes and Commission Policies 8 and 9

RC/lv/37507d1



### Discussion

The Acting Chair read out an e-mail that he had received from Daniel York and Sasha Riome following the site inspection, the contents of which were noted by the Commission.

### **Assessment of Agricultural Capability**

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the subject property is assessed as comprising 80% Class 4 with topographic limitations and 20% Class 5 with excess water limitations. As such it has agricultural capability, as borne out by the present agricultural use of the property.

### **Assessment of Agricultural Suitability**

The Commission noted from the site inspection that the proposed subdivision of the property would divide the existing farmed areas into three smaller parcels. It was of the opinion that this would decrease the agricultural options for the property and was not in the best interests of agriculture. The Commission also noted that there were no external factors that render the land unsuitable for agricultural use. With regard to the possibility of additional dwellings being sited on the property the Commission wished to draw the attention of the applicants to Commission Policy number 8 relating to manufactured homes and to Policy number 9 relating to additional residences for farm use. It wished also to emphasize to the applicants that its position with regard to the subdivision of the property would not be influenced by any additional residences that may be sited on the property.

### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land and was of the view that long term interests would not be served by the proposed subdivision of the property.

### **Conclusions**

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will impact negatively on agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

### **IT WAS**

**MOVED BY:** Commissioner Bill Norton  
**SECONDED BY:** Commissioner John Kendrew

THAT the application be refused.

### **CARRIED**


**Resolution # 398/2007**

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 <p><b>Agricultural Land Commission Act</b></p>	<p style="text-align: right;"><b>Policy #9 March 2003</b></p> <p style="text-align: center;"><b>ADDITIONAL RESIDENCES FOR FARM USE</b></p>
<p><i>This policy provides advice to assist in the interpretation of the Agricultural Land Commission Act, 2002 and Regulation. In case of ambiguity or inconsistency, the Act and Regulation will govern.</i></p>	

#### REFERENCE:

*Agricultural Land Commission Act, 2002, Section 18*

- 18** *Unless permitted by this Act, the regulations or the terms imposed in an order of the commission,*
- (a) a local government, or an authority, a board or another agency established by it or a person or an agency that enters into an agreement under the Local Services Act may not*
  - (ii) approve more than one residence on a parcel of land unless the additional residences are necessary for farm use*

#### INTERPRETATION:

The Act and Agricultural Land Reserve Use, Subdivision and Procedure Regulation do not set a limit on the number of additional residences for farm help per parcel, but all residences must be necessary for farm use. However, see Section 3 (1) (b) of the Regulation which permits a 'manufactured home' for family members of the owner. This Section also permits a secondary suite within a residence. See Commission Policy "Permitted Uses in the ALR: Residential Uses".

Local government must be convinced that there is a legitimate need for an additional residence for farm help. One criteria is that the parcel should have 'farm' classification under the *Assessment Act*. In coming to a determination, a local government should consider the size and type of farm operation and other relevant factors. To help determine the need and evaluate the size and type of farm operation, a permitting officer may wish to obtain advice and direction from staff of:

- a) the Ministry of Agriculture, Food and Fisheries
- b) the Agricultural Land Commission.

Local government bylaws should not necessarily be the basis for making a determination about the necessity for farm help. Some bylaws may automatically permit a second residence on a specified size of parcel in the ALR. This is not an appropriate determination under the Act and should not be used as the basis for issuing a building permit for an additional residence for farm help. Some local governments have adopted detailed guidelines as a basis for determining legitimacy of a request for additional residences for farm help, in which a threshold for different types of agricultural operations is specified. In these instances, it may be appropriate to consider these as factors in interpreting Section 18 of the Act.


If there is any doubt with respect to need, an application under Section 20 (3) of the Act for permission for a non-farm use is required.

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 <p><b>Agricultural Land Commission Act</b></p>	<p style="text-align: right;"><b>Policy #8 March 2003</b></p> <p style="text-align: center;"><b>PERMITTED USES IN THE ALR: RESIDENTIAL USE</b></p>
<p><i>This policy provides advice to assist in the interpretation of the Agricultural Land Commission Act, 2002 and Regulation. In case of ambiguity or inconsistency, the Act and Regulation will govern.</i></p>	

#### REFERENCE:

Agricultural Land Reserve Use, Subdivision and Procedure Regulation (BC Reg. 171/2002), the "Regulation", Section 3 (1) (b)

*Section 3 (1) "the following land uses are permitted in an agricultural land reserve unless otherwise prohibited by a local government bylaw:*

- (b) for each parcel,*
  - (i) one secondary suite within a single family dwelling, and*
  - (ii) one manufactured home, up to 9 m in width, for use by a member of the owner's immediate family;*

*Section 1 (1) "immediate family" means, with respect to an owner, the owner's*

- (a) parents, grandparents and great grandparents,*
- (b) spouse, parents of spouse and stepparents of spouse,*
- (c) brothers and sisters, and*
- (d) children or stepchildren, grandchildren and great grandchildren;*

#### INTERPRETATION:

The Regulation permits a secondary suite for residential purposes, wholly contained within a single family dwelling, on a parcel in the ALR. The secondary suite use is not limited as to who occupies the suite. The Regulation also provides for one manufactured home, in addition to a dwelling, on a parcel in the ALR, but only for use by the property owner's immediate family. The maximum width of manufactured or mobile home allowed is 9 metres, which provides for what is commonly known as a 'double-wide'. The Commission may make an exception to the width requirement in the Peace and Northern Rockies Regional Districts to provide for a 'double wide' up to the industry standard width (10 metres).

The Regulation defines "immediate family" as noted above. If the manufactured home is no longer occupied by immediate family of the property owner, it is no longer a permitted use in the ALR and must be removed from the parcel or, if it remains, not used for residential purposes.

It should be noted that Section 18 (a) (ii) of the *Agricultural Land Commission Act* provides for one residence per parcel of land, and more than one residence where "the additional residences are necessary for farm use." See Commission Policy "Additional Residences for Farm Use".

Related uses that are not permitted in the Act or Regulation for residential use require application to

and approval from the Commission.

**Where a zoning bylaw is in place, this use must be specifically permitted by the bylaw.**

**TERMS:**

**Home occupation** — means an area set aside for residential use, within the footprint of a single family dwelling, and secondary or ancillary to the residential use of that single family dwelling.

**Manufactured home** — means a transportable prefabricated structure, whether ordinarily equipped with wheels or not, that is designed, constructed or manufactured to be moved from one place to another and to be used for residential use by a single family. The structure normally conforms to the CSA Z240 series standards of the Canadian Standards Association for manufactured homes.



**Staff Report  
Application # N – 37507**

**Applicants: Dwain & Catherine Textor and Daniel York & Sasha Riome  
Agent: Daniel York**

**DATE RECEIVED:** June 22, 2007

**DATE PREPARED:** July 17, 2007

**TO:** Chair and Commissioners – North Panel

**FROM:** Simone Rivers, Land Use Planner

**PROPOSAL:** To subdivide the 64.3 ha parcel into one 32.1 ha lot and two at 16.1 ha lots.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

The applicants state that they are "planning to establish a small scale polyculture farm including horses, cattle, fowl, vegetable gardens and if feasible, a greenhouse or hothouse. The first planned step involves rebuilding the currently dilapidated barn so that horses could be housed." They further state that "Until we can establish an independent operation we would need to contract out the haying of the fields or lease the fields for grazing to one of the neighbours. The fields are currently fenced for grazing and despite the planned subdivision we have no plans to change to fencing to reflect the proposed new property lines."

**Local Government:**

City of Prince George

**Legal Description of Property:**

PID: 013-688-715  
The South 1/2 of District Lot 7862, Cariboo District

**Purchase Date:**

April, 2006

**Location of Property:**

6922 Swanson Road, Prince George

**Size of Property:**

64.1 ha (The entire property is in the ALR).

**Present use of the Property:**

Leased in recent years to a neighbouring farmer for haying and grazing

**Surrounding Land Uses:**

**WEST:** Agriculture and Rural Residential  
**SOUTH:** Agriculture and Rural Residential  
**EAST:** Agriculture and Rural Residential  
**NORTH:** Agriculture

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 93G/15  
The majority of the property is identified as having Secondary ratings.

**Official Community Plan and Designation:**

OCP: N/A  
Designation: Rural Resource

**Zoning Bylaw and Designation:**

City of Prince George Zoning Bylaw No. 7850 (2007)  
Designation: AF Agriculture and Forestry  
Minimum Lot Size: 15 ha

**RELEVANT APPLICATIONS:**

**Application #26236-0**

**Applicant:** Newman, Pete  
**Decision Date:** June 18, 1992  
**Proposal:** Proposed to subdivide the 31.26 ha property into two approximately equal residential parcels.  
**Decision:** Refused.

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**Application #36143-0**

**Applicant:** Kueng, John  
**Decision Date:** April 04, 2006  
**Proposal:** To exclude 65 ha from the ALR. Two parcels of 32 ha each are under application. The proposal is to exclude the southern half of DL 10234 and the entirety of DL 11263. The northern half of DL 10234 is not under application for exclusion as this land has some agricultural capability.  
**Decision:** To allow the exclusion of District Lot 11263 as requested. To refuse the exclusion of half of District Lot 10254 on the grounds the lot has agricultural capability.

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**Application #36143-1**

**Applicant:** Kueng, John  
**Decision Date:** June 29, 2006  
**Proposal:** To subdivide DL 10234 into two 16 ha parcels (both within the ALR). The adjusted property boundary leaves the existing field intact.  
**Decision:** To allow the subdivision of the property into two 16 ha lots as proposed.



**Application #37441-0**

**Applicant:** Graham, Dustin and Mandi

**Decision Date:** *Pending*

**Proposal:** Subdivision for a Family Member: To subdivide the 29.3 ha subject property by creating a 15.0 ha lot and a 14.3 ha lot.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

Council for the City of Prince George forwarded the application with a recommendation of support

**STAFF COMMENTS:**

Staff note the following:

- The adjacent property to the south-west is also under application at this time.
- The agricultural capability of the subject property is rated as 80% Class 4T – 20% Class 5W  
Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.  
Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.  
Subclasses – T- Topography W – Excess Water
- The applicants bought the property in 2006.

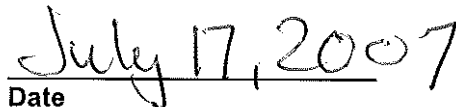
**ATTACHMENTS:**

- Local Government Staff Report - dated May 25, 2007.
- Sketch plan showing proposed lots as well as existing fencelines. (submitted by the applicants)
- ALC Context Map - 1:50,000 - 93G.096 (created by ALC Staff)
- Airphoto - 1:10,000 (created by ALC Staff)

**END OF REPORT**



Signature



Date