



**Agricultural Land Commission**  
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May 21, 2008

Reply to the attention of Simone Rivers  
ALC File: W-37853

Curtis and Judy Rogers  
Box 89  
Taylor, BC  
V0C2K0

Dear Sir/Madam:

**Re: Application for a Second Dwelling in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 179/2008 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the 'Per:' label.

Erik Karlsen, Chair

cc: Peace River Regional District (218/2007)

Enclosure: Minutes



## **Discussion**

### **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;  
Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

### **Assessment of Agricultural Suitability**

The Commission assessed whether the external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external factors that render the land unsuitable for agricultural use.

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

The Commission also assessed the impact of the second home against the long term goal of preserving agricultural land. The Commission noted that the home and homesite alienated potentially productive agricultural land. It was also concerned about the potential for the second dwelling to precipitate a future request for subdivision. In addition, since the property did not appear to be used for agricultural purposes, there appeared to be little justification for an additional dwelling for farm help.

The Commission also assessed this application in the context of what is permitted as a land use by Regulation #171/2002. The Commission noted that a manufactured home is allowed for a family member (as a second dwelling), provided it is on a slab or impermanent foundation. The basement aspect of the home required the submission of the application.

The Commission was concerned that this dwelling, if permitted outright, would raise expectations that second dwellings would be routinely allowed on farm properties throughout the ALR (irrespective of a farming rationale). Therefore, the Commission considered whether or not a restrictive covenant should be registered against the title of the property restricting the inhabitant of the dwelling to a relative of the landowner, if the application was to be approved. In this way the home could not be rented to a non relative (for non farm purposes).

## **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, in the form submitted, will negatively impact 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 B. Norton

**SECONDED BY:** Commissioner J. Kendrew

THAT the application be allowed, subject to the following conditions:

- the registration of a restrictive covenant against the title of the property prohibiting the occupancy of the second residence to any person other than the landowner's relative.

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.

**CARRIED**

**Resolution # 179/2008**