



**Agricultural Land Commission**  
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November 21, 2008

Reply to the attention of Terra Kaethler  
ALC File: #B-38203, #B-38204

Niho Land and Cattle Co.  
200 - 313 6th Street  
New Westminster, BC V3L3A7

Dear Sir/Madam:

**Re: Application to Exclude land from the Agricultural Land Reserve**

Thank you for meeting with the Commission on October 23<sup>rd</sup>, 2008. The Commission found the meeting to be informative.

Please find attached the Minutes of Resolution # 715/2008 as it relates to ALC file # B-38203. As the application has been refused, please advise if you would like to proceed with the joint inclusion application (ALC file # B- 38204) or cancel the file.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written in a cursive style.

Erik Karlsen, Chair

Enclosure: Minutes

cc: Regional District of Bulkley-Nechako (1052)

TK/  
i/38203.d1



A meeting was held by the Provincial Agricultural Land Commission on October 24, 2008 in Vanderhoof, B.C.

<b>PRESENT:</b>	William Norton	Chair, North Panel
	Denise Dowswell	Commissioner
	John Kendrew	Commissioner
	Terra Kaethler	Staff

**For Consideration**

Application: # B- 38203  
Applicant: Niho Land and Cattle Co.  
Proposal: To exclude the northern 37 ha portion to create seventeen (17) waterfront recreational parcels ranging in size from 2 ha to 2.5 ha. There is no legal road access to the property, property access would be by boat or float plane.  
Legal: PID: 011-530-561  
District Lot 2469, Fractional North 1/2, Range 5 Coast District  
Location: Located on south shore of Tchesinkut Lake approximately 14 km south of the Village of Burns Lake

**Site Inspection**

A site inspection was conducted on October 23<sup>rd</sup>, 2008. Those in attendance were:

- William Norton            Chair, North Panel
- Denise Dowswell        Commissioner
- John Kendrew            Commissioner
- Terra Kaethler           Staff
- Robert Hinkley         P.Ag., Niho Group
- Dean Nielson            Vice President, Niho Group

The Commission met with the applicants in Vanderhoof and took a helicopter to view the subject property at Tchesinkut Lake, as well as the property proposed for inclusion, under joint application (ALC file #38204), at Francois Lake. The Commission viewed the entire property from the air, and then landed in the area of the proposed exclusion. The Commission walked toward the lake, and viewed some soil pits. It was noted that the soil was typical to land in the northern interior without improvements. The land leading down to the lake was slightly sloped. It was further noted that the property was logged in the 1980s, with the exception of the area close to the water.

There was no road access to the property and the applicants discussed that it was unlikely to be approved in the near future, as it would be through private land and a road had been met with opposition in the past.

The Commission also viewed the property under joint application for inclusion at Francois Lake (ALC file # B-38204). The applicants noted that they had several other holdings that were currently being farmed but were not in the ALR. It was mentioned that they would be willing to include these holdings into the ALR as well.

## **Context**

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. 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.

## **Discussion**

### **Assessment of Agricultural Capability**

The agrologist report submitted with the application identified the property as 60% Class 6 and 40% Class 4 with limitations of topography, adverse climate and undesirable soil structure.

Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

The Commission considered that given the large size of the parcel, the property has potential to be developed for agriculture, particularly for ranching or grazing activity. Further, the Commission considered that the agricultural capability ratings for this property are similar to surrounding lands in the area.

### **Assessment of Agricultural Suitability**

The Commission assessed whether external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The subject property is surrounded by predominantly large agricultural parcels and grazing leases. As such, the Commission did 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 proposal against the long term goal of preserving agricultural land. The Commission believed that the introduction of 17 small, recreational/residential lots along the lake would have the potential to negatively impact present and future agricultural activity on the subject property and in the surrounding area.

The Commission considered that the joint application for inclusion (ALC file #38204), had also been submitted by the applicants, for a property on Francois Lake. The Commission recognized that the property proposed for inclusion had good agricultural capability and was roughly the same size as the area proposed for exclusion, resulting in



a minimal net loss to the total amount of land in the ALR. However, it was the Commission's view that the proposed inclusion would not benefit agriculture in the area of the proposed exclusion and would not off-set the potential negative impact on adjacent agricultural activity in that area.

The intent of the Act is to preserve and protect agricultural lands and farm communities in the long-term and the Commission felt that the exclusion of 37.0 ha from the ALR as proposed was not in keeping with that mandate.

### **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 negatively impact agriculture.

### **IT WAS**

**MOVED BY:** Commissioner Norton

**SECONDED BY:** Commissioner Kendrew

THAT the application be refused as proposed.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- S.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.*
- (2) *The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

### **CARRIED**

**Resolution # 715/2008**