



**Agricultural Land Commission**  
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December 11, 2008

Reply to the attention of Simone Rivers  
ALC File: W-38584

Daniel and Sandra Steele  
1824 - 89th Avenue  
Dawson Creek, BC V1G5A7

Dear Mr. and Ms. Steele:

**Re: Application to Subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 776/2008 outlining the Commission's decision as it relates to the above noted application.

Should you wish to proceed as outlined in the minutes please provide the Commission with a description in writing of the proposed consolidation as well as a map illustrating the proposal.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Simone Rivers', is written over the printed name 'Erik Karlsen, Chair'.

Erik Karlsen, Chair

Enclosure: Minutes/

cc: Peace River Regional District (188/2008)

SBR/  
i/38584d1



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

**A meeting was held by the Provincial Agricultural Land Commission on December 3, 2008 in Fort St. John, B.C.**

**PRESENT:** William Norton                                  Chair, North Panel  
Denise Dowswell                                         Commissioner  
Simone Rivers     Staff

### For Consideration

Application:        # W- 38584  
Applicant:         Daniel and Sandra Steele  
Proposal:            To divide the property in two as divided by the railway tracks. The  
                            new lots would be approximately 26 ha and 34 ha in size.  
Legal:                PID: 009-111-328  
                            North East ¼ of Section 14, Township 78, Range 17, W6M, Peace  
                            River District, EXCEPT Plans A2035 and 32054  
Location:            West of Dawson Creek

### Site Inspection

A site inspection was conducted on December 2, 3008. Those in attendance were:

- William Norton                Chair, North Panel
- Denise Dowswell               Commissioner
- Simone Rivers                   Staff
- Sandra Steele                   Applicant

The Commission noted that the property was cleared and improved for agricultural use. The Commission noted that the railway tracks ran through the middle of the property but that there was a crossing along the road that ran along the western edge of the property. The applicant stated that she wished to sell the subject property as she and her husband no longer live nearby.

Ms. Steele confirmed that the staff report dated November 19, 2008 was received and no errors were identified.

### 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 agricultural capability of the soil of the subject property is 100% Class 5C with limitations of a severe climate.

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

The Commission noted that the property had been cleared and was improved for agricultural use. The Commission believes that the property has agricultural capability and is correctly designated as ALR.

### **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 Commission does not believe there are external factors that render the land unsuitable for agricultural use. The Commission noted that there is a railway track that runs through the centre of the property. However, the Commission further noted that the tracks could be crossed on the road that ran along the eastern edge of the subject property. Therefore, the Commission does not believe that the railway tracks impede the property from being farmed as a single unit.

### **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, when it considers applications for subdivision, is generally of the opinion that the creation of new lots is not consistent with long term agricultural activity and productivity. There are currently no dwellings on the subject property and subdivision could lead to the creation of two new homesites which erodes the productive capacity of the parent property. The Commission believes the proposal would impact existing or potential agricultural use of surrounding lands.

### **Assessment of Other Factors**

Although the Commission believes that a subdivision as proposed would not be in the best interests of agriculture it would consider a revised proposal should one or both of the proposed lots be sold to a neighbouring land owner and consolidated, either by survey or by binding of titles to other land.

### **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 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 Dowswell

**SECONDED BY:** Commissioner Norton

THAT the application to subdivide the property as divided by the railway tracks be refused as proposed.

AND THAT the Commission would consider a revised proposal whereby one or both of the proposed lots is consolidated or bound by covenant to the land of a neighbouring land owner.

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.

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 # 776/2008**