



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

December 15, 2009

Reply to the attention of Simone Rivers
ALC File:W-38896

Great North Land & Consulting
10836-102 Street
Fort. St. John, BC V1J 4X7

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 1673/2009 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

Enclosure: Minutes/

cc: Peace River Regional District (15/2009)

SBR/
38896d1



A meeting was held by the Provincial Agricultural Land Commission on November 18, 2009 at the offices of the Peace River Regional District in Fort St. John, B.C.

PRESENT:	William Norton	Chair, North Panel
	Denise Dowswell	Commissioner
	Erik Karlsen	Chair, ALC
	Simone Rivers	Staff

For Consideration

Application: W-38896
 Applicant: Terrence John Brown and Marilyn Robertson
 Agent: Great North Land & Consulting
 Proposal: To subdivide a 12 ha lot from the 64 ha subject property in order to provide a homesite for the applicants' son.
 Legal: PID: 014-671-280
 The South East ¼ of Section 21, Township 83, Range 17, West of the 6th Meridian, Peace River District
 Location: Baldonnel

Site Inspection

A site inspection was conducted on November 17, 2009. Those in attendance were:

- William Norton Chair, North Panel
- Denise Dowswell Commissioner
- Erik Karlsen Chair, ALC
- Simone Rivers Staff
- Brian Underhill Staff
- Marilyn Robertson Applicant

The Commission met the applicant at the subject property, which was snow covered. The Commissioners walked down the road to view the mobile home and portion of the property proposed for subdivision. The applicant stated that it was difficult to access the fields beyond the mobile home because of topography and the location of the mobile home and its yard. The Commission noted that there were three dwellings on the subject property.

Ms. Robertson confirmed that the staff report dated April 23, 2009 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

The Commission recalled that it had initially considered this application at a meeting in August 2009 but had deferred making a decision until it was able to visit the property and speak with the landowner.

Assessment of Agricultural Capability

The agricultural capability of the soil of the subject property is Class 2C with a portion being rated as O5W improvable to O3W with limitations of excess water.

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

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately 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.

The Commission noted that much of the subject property had been cleared and improved for agricultural use. The Commission believed that the subject property had agricultural capability and was 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 subject property is located in an agricultural area where the majority of the surrounding properties are large agricultural holdings.

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 generally takes the view that subdivision is not consistent with long term agricultural activity and productivity. The Commission believed that the subject parcel has more agricultural potential as a single unit and that subdivision would negatively impact the agricultural opportunities available to the subject property in the long-term.

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 Karlsen

THAT the application be refused.

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 # 1673/2009