



**Agricultural Land Commission**  
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5<sup>th</sup> April, 2010

Reply to the attention of Simone Rivers  
ALC File:51006

W.D.McIntosh Land Surveying Ltd.  
PO Box 1250  
Vanderhoof, BC  
V0J 3A0

Dear Sir/Madam:

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

Please find attached the Minutes of Resolution # 2346/2010 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:

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

Erik Karlsen, Chair

Enclosure: Minutes

cc: Regional District of Bulkley Nechako

rc/  
51006d1



A meeting was held by the Provincial Agricultural Land Commission on 9<sup>th</sup> March 2010 in Smithers, B.C.

<b>PRESENT:</b>	William Norton	Chair, North Panel
	Denise Dowswell	Commissioner
	Jim Collins	Commissioner
	Roger Cheetham	Staff

**For Consideration**

Application: #51006  
 Applicant: North Country Estates  
 Agent: W.D. McIntosh Land Surveying Ltd  
 Proposal: To subdivide the 62 ha property into 26 lots ranging in size from 1.1 ha to 3.7 ha in size.  
 Legal: PID: 012-745-529, The Fractional NorthWest ¼ of Section 2, Township 11, Range 5, Coast District  
 Location: District of Vanderhoof

**Site Inspection**

A site inspection was conducted on 8<sup>th</sup> March 2010. Those in attendance were:

- |                   |                    |
|-------------------|--------------------|
| • William Norton  | Chair, North Panel |
| • Denise Dowswell | Commissioner       |
| • Jim Collins     | Commissioner       |
| • Roger Cheetham  | Staff              |
| • Rob Stephen     | Agent              |

The Commission drove through the property noting that it is predominantly under second growth trees. It did not see any areas that have been cleared or used for agriculture. The Commission noted that parts of the property are steep, dividing it up into a number of physically separated areas.

The Commission noted that the adjacent property to the east has been cleared and is being used for agriculture. The adjacent areas in the subject property appeared to have similar agricultural potential. The Commission noted that the property is at the edge of an ALR block of land with rural residential properties to the west and south.

**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**

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 70% of the soils on the subject property are rated as Class 5 and 30% are rated as Class 7, both with topography limitations.

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

Class 7 – Land in this class has no capability for arable or sustained natural grazing

### **Assessment of Agricultural Suitability**

The Commission noted that the property is on the edge of a rural residential area and there was some potential for negative impacts on agriculture resulting therefrom. Nevertheless the Commission did not believe that these factors render the land unsuitable for agricultural use, although it recognized and buffering might be required to mitigate potential impacts.

### **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 considered that while the topographic constraints impose limitations on its overall agricultural potential there are parts with potential, in particular the south eastern corner which appears to have similar capability to the adjacent property that is farmed to the east. The Commission noted that, while the District had supported the application, its OCP designates the property as Agricultural. Bearing in mind the District does not appear to be experiencing any population growth at present it did not appear to the Commission that a case had been substantiated to justify the use of the subject property for the proposed use. The Commission's review of the application was hampered by the lack of any detailed soils information and an analysis of the site's agricultural potential undertaken by an agrologist with expertise in soils. It was thus prepared to consider a new application for the development of the site in the light of an agricultural assessment and in the context of a future OCP process that identifies a need in the District to develop the property for future residential development.

## **Conclusions**

1. That the land under application has significant 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 not consistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land and encourage agriculture.

**IT WAS**

**MOVED BY:** Commissioner W. Norton.

**SECONDED BY:** Commissioner J. Collins

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.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

**CARRIED**

**Resolution # 2346/2010**