



Agricultural Land Commission
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5th April, 2010

Reply to the attention of Simone Rivers
ALC File:51270

Robert Stephen
C/o 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 # 2324/2010 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', written over a white background.

Erik Karlsen, Chair

Enclosure: Minutes

cc: Regional District of Bulkley Nechako

rc/
51270d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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

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

For Consideration

Application: #51270
 Applicant: Dave and Susan Neufeld
 Agent: N/A
 Proposal: To subdivide the 31.1 ha property into four approximately 7.8 ha lots. The proposed parcels are intended to provide home sites for the owner's children
 Legal: PID: 009-460-802, Lot 1, Section 23, Township 2, Range 4, Coast District Plan 7199
 Location: 3466 and 3478 Carman Hill Road

Site Inspection

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

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

The Commission noted that the property is located within a large ALR area with generally large parcel sizes with the exception of parcels adjacent to Carman Hill Road. It noted that the property has been developed with two residences located at the western extremity of the property that gain access from Carman Hill Road via a long driveway.

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 soil of the subject property is rated as Class 5 with topography and undesirable soil structure limitations. Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

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 did not believe that there are external factors that render the land unsuitable for agricultural use. However it considered that the subdivision of the property into four 7.6 ha lots was not in the best interests of agriculture in that it would reduce the agricultural options for the property. The Commission considered that agricultural interests are better served in this area with larger rather than smaller parcels.

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 the proposal would have a negative impact on existing and potential agricultural use of surrounding lands in that it would encourage further residential development with increased potential for conflict between the two uses.

Assessment of Other Factors

The Commission noted that the Board, Regional District staff, the Planning Committee and the Ministry of Agriculture and Lands were all opposed to the application.

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 # 2324/2010