



**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

26<sup>th</sup> October 2010

Reply to the attention of Roger Cheetham  
ALC File:51854

Jeremy Penninga  
PO Box 788  
1175 Main Street  
Smithers, BC  
V0J 2N0

Dear Sir:

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

Please find attached the Minutes of Resolution # 2679/2010 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.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

A copy of a draft covenant is enclosed herewith for your assistance.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in blue ink that reads 'Roger Cheetham'. The signature is written in a cursive style.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of Bulkley Nechako (#1095)

rc/  
51854d1



**A meeting was held by the Provincial Agricultural Land Commission on 6<sup>th</sup> October 2010 at the offices of the Ministry of Agriculture and Lands, Prince George, B.C.**

<b>PRESENT:</b>	Richard Bullock	Chair, Commission
	Jim Collins	Acting Chair, North Panel
	Denise Dowswell	Commissioner
	Lucille Dempsey	Commissioner
	Roger Cheetham	Staff

**For Consideration**

Application: 51854  
 Applicant: James and Darlene Russell  
 Agent: Jeremy Penninga  
 Proposal: To divide a 16 ha lot from the approximately 128 ha subject property in terms of the Commission’s Homesite Severance Policy.  
 Legal: PID: 011-765-135, District Lot 1233, Range 5, Coast District, Except Plan 4758  
 Location: 24379 Highway 16 East, 10 kms, southeast of Smithers

**Site Inspection**

A site inspection was conducted on 5<sup>th</sup> October 2010. Those in attendance were:

- Richard Bullock Chair, Commission
- Jim Collins Acting Chair, North Panel
- Denise Dowswell Commissioner
- Lucille Dempsey Commissioner
- Roger Cheetham Staff
- Jim Russell Applicant

The Commission conducted an inspection of the part of the property that is proposed to be subdivided. This included the area around the existing house and a ridge to the west of the house that overlooks the swampy area proposed to be included in the proposed subdivision. The Commission noted that the opportunities for agriculture are limited in this area and that those areas within the proposed subdivision with agricultural potential are isolated from the other areas of the property with agricultural potential that would remain part of the existing parcel.

Mr. Russell explained that his bank had lost his original title deeds for the property.

**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 assessed as predominantly Class 4 with topography and undesirable soil structure limitations in the south and soil moisture deficiency limitations in the north including the area where the proposed subdivision is located. A small area with Class 3 and 6 soil capability is located in the extreme north west of the property.

- Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.
- 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.

#### **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 there are external factors that render the land unsuitable for agricultural use. However as the areas with agricultural potential in the proposed and existing subdivisions are separated from one another the Commission did not consider that the proposed subdivision would have any impact on agricultural potential provided that a conservation covenant were placed on both subdivisions to protect ground water availability.

#### **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 noted that most subdivisions in the area are large. However it considered that the swamp and Highway isolate the property from other areas. The Commission noted that the Regional Board, Advisory Planning Commission, Regional District Planning staff and the Ministry of Agriculture all recommend approval. The Commission noted the additional information provided by the agent for the applicant in the form of old tax receipts for the property for 1970 provided sufficient confirmation that the applicants qualify for consideration under the Commission's Homesite Severance policy. Accordingly the Commission considered that the subdivision could be supported. The Commission gave consideration to reducing the size of the proposed subdivision. In view of the isolation of the proposed subdivision from other areas with agricultural potential the Commission did not consider that there

was anything to be gained from reducing its size. Moreover, by retaining the proposed size it might provide more opportunities for agriculture on the newly created subdivision.

### **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 proposed subdivision will not have any material impact on agriculture.
4. That the proposal is consistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

### **IT WAS**

**MOVED BY:** Commissioner J. Collins

**SECONDED BY:** Commissioner L. Dempsey

THAT the application be approved;

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- The registration of a conservation covenant between the owner and the Commission for the two subdivisions to protect the ground water availability
- compliance with the Homesite Severance Policy
- the subdivision must be completed within three (3) years from the date of this decision.

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 # 2679/2010**