



**Agricultural Land Commission**  
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January 6<sup>th</sup>, 2011

Reply to the attention of Martin Collins  
File: 51893

N. R. Millions  
Encana Corporation  
150-9<sup>th</sup> Ave. SW  
PO Box 2850  
Calgary Alberta  
T2P 2S5

Dear Sir:

**Re: Application for Subdivision and Non Farm Uses in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution #2819/2010 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 blue ink, appearing to read 'Martin Collins', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes/Sketch Plan

cc: Peace River Regional District File: 55/2010

MC/51893d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on December 10, 2010 in Prince George, B.C.

PRESENT: Denise Dowswell Commissioner
Jim Collins Commissioner
Lucille Dempsey Commissioner
Martin Collins Staff

For Consideration

Application: 51893
Applicant: Iva and Lloyd Tuttle
Agent: Encana Corporation - Noel Millions
Proposal: To subdivide a 7 ha lot from the 12 ha parcel and construct an office structure on the northerly 1.6 ha portion of the 7 ha lot.
Legal: PID 014-143-526 LS 13, Sec. 3, Twp 25, PRD, Except Plans.....
Location: Tomslake

Site Inspection

A site inspection was conducted on Tuesday October 19th, 2010. Those in attendance were:

- Richard Bullock Chair, North Panel
Denise Dowswell Commissioner
Jim Collins Commissioner
Lindsay McCoubrey Staff
Martin Collins Staff
Noel Millions Agent (Encana)
Iva Tuttle Landowner
Brian Lieverse Agent (Encana)

Noel Millions confirmed that the staff report dated September 9, 2010 was received and no errors were identified.

The Commission viewed the subject parcel, noting that the land was cropped. It discussed the other options for locating the facility outside the ALR in Tomslake. Encana representatives emphasized that a thorough review of alternate sites in Tomslake was conducted. In addition the Commission discussed the location of the ALR boundary in this area. It suggested at the site visit that Encana discuss the option of including cropped land lying west of the Old Edmonton Highway into the ALR.

Meeting

A follow up meeting was conducted on December 10 at Prince George airport with the Commissioners and staff noted above and Noel Millions of Encana.

At the meeting Mr Millions indicated that he contacted the owners of the property identified during the site visit in order to ascertain their views about inclusion of the non

ALR portions of the cultivated property. He confirmed that Tony and Anne Kopp were not interested in including any of their land into the ALR.

### **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.

The agricultural capability of the soil of the subject property is 4X:

Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

The limiting subclasses are unspecified, but minor and cumulative adverse conditions. The land is flat and in hay production.

#### **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.

#### **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 believes that the subdivision of the property and the location of the non farm use was not supportive of the long term agricultural use of the land, and would place the remainder at risk for impacts and heightened expectations of land use change.

#### **Assessment of Other Factors**

The Commission also noted that it had previously refused applications to subdivide the subject property as divided by the highway; and that there were non ALR options to site the office on other parcels in Tomslake and on the 12 ha property.

## Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR and is suitable for agricultural use.
2. That the proposal is not supportive of agriculture.
3. That there are other vacant non ALR locations to site the office.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

## IT WAS

**MOVED BY:** Commissioner J. Collins  
**SECONDED BY:** Commissioner D. Dowswell

THAT the application be refused as proposed.

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, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration.

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 #2819/2010**