



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

January 6th, 2011

Reply to the attention of Martin Collins
ALC File: 51912

Blain and Donna Masee
RR 2 Site 17, C1
5987 Road 225
Dawson Creek, B.C.
V16 4E8

Dear Sir/Madam:

Re: Application to Subdivide within the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 2817/2010 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in blue ink, appearing to read 'Martin Collins', is written over a light blue horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Peace River Regional District (File: 100/2010)

MC/51912d1



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: 51912
 Applicant: Blain and Donna Masee
 Proposal: To subdivide a 5 ha lot from the 64.5 ha property.
 Legal: PID 013-235-729 SE ¼ , Sec. 18, Twp 79, R. 15, W6M, PRD, Except Plan 23887
 Location: NW of Dawson Creek, on the 214 Road

Site Inspection

A site inspection was conducted on Wednesday October 20th, 2010. Those in attendance were:

- Richard Bullock Chair
- Denise Dowswell Commissioner
- Jim Collins Commissioner
- Lucille Dempsey Commissioner
- Lindsay McCoubrey Staff
- Martin Collins Staff
- Blain Masee Applicant

Mr Masee confirmed that the staff report received October 7, 2010 was received and no errors were identified.

The Commissioners viewed the property, noting that it was cleared and in agricultural production. The proposed subdivision would separate the current homesite (containing two homes, a barn, dugout etc from the farm remainder. The applicant indicated that there was an abandoned homesite location with services (but no structures) on the northeast corner of the property. The Commission viewed and confirmed the existence of the abandoned homesite.

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 30% 3W and 70% 2C

- 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.

The limiting subclasses are excessive wetness on the southerly portions of the property, and adverse climate.

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 property is located in an active agricultural area characterized by large ¼ section 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 believes the proposal would negatively impact existing or potential agricultural use of the remainder and surrounding lands for the following reasons:

- The proposed 5 ha parcel would eventually be acquired by a non farmer who may not be supportive of adjoining or nearby agricultural activity. Trespass by children or pets, or complaints about typical farm activities has potential to limit adjoining agricultural activity, and harm farm businesses.
- Expectations would be raised that subdivision of small parcels would be routinely permitted in farm areas, resulting in farmland being marketed for subdivision and residential uses, rather than for agriculture
- The subdivision of 5 ha from the parcel represents a loss of productive capacity on the remainder because a homesite and farm structures would have to be reconstructed. It is the Commission's experience that any future dwelling(s) located on the remainder would be not be confined to the abandoned homesite area. It is more likely that a future owner would construct a home, yard, outbuildings and farm structures, including dugout and septic pond on a minimum 2 ha.

Assessment of Other Factors

The Commission noted that the applicants indicated that they did not own any additional lands. Sometimes the Commission is prepared to allow the subdivision of a homesite from a ¼ section where agricultural benefits can be achieved, such as the binding of titles by covenant (preventing their separate sale) of two or more larger farm parcels that are part of a larger farm operation.

Conclusions

1. That the land under application has good agricultural capability and is appropriately designated as ALR, and is suitable for agricultural use.
2. That the subdivision proposal has potential to negatively impact the agricultural capability of the property.
3. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner D. Dowswell

SECONDED BY: Commissioner J. Collins

THAT the application to subdivide a 5 ha lot from the 64.5 ha property 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, 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.

CARRIED

Resolution # 2817/2010