



Agricultural Land Commission
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July 5, 2011

Reply to the attention of Jennifer Carson
ALC File: #52002

James & Shirley Moon
10114 Snell Road West
Vanderhoof, BC V0J 3A2

Dear Mr.:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # **239/2011** 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 'Brian Underhill', is written over a faint, light blue circular stamp or watermark.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of Bulkley-Nechako (ALR#1097)

JC/
52002d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on Wednesday, May 25th, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Bert Miles	Commissioner
Roger Mayer	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Tony Pellett	Regional Planner
Shaundeh Runka	Policy Planner
Colin Fry	Executive Director
Jennifer Carson	Land Use Planner

APPLICATION ID: #52002
PROPOSAL: To subdivide a 1.8 ha lot from the 69 ha parcel as divided by Engen Road. There are no structures or homes on the subject parcel, though a mobile home used to be located on the proposed 1.8 ha lot.
(Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

Parcel ID: 004-376-889
Legal Description: Lot A Section 15 Township 13 Range 5 Coast District Plan 11172
Civic Address: corner of Engen Road and Highway 16, at 1191 Engen Road, approx. 11 km west of Vanderhoof
Size: 69.0 ha
Area in ALR: 69.0 ha
Property Owners: James & Shirley Moon

COMMISSION CONSIDERATION:

Context

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission 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.

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

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

Subclasses

X cumulative and minor adverse

Agricultural Suitability

The Commission assessed whether external factors such as Engen Road, disrupts the ability to farm the property as one unit. The Commission does not believe that the road is a significant barrier to the agricultural use of the property as one unit and as such does not believe that the road justifies the proposed subdivision. Furthermore, the proposed 1.8 ha parcel would not be conducive to agriculture, as most agriculture in the Vanderhoof area occurs within larger parcels.

Assessment of Potential 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 impact existing or potential agricultural use of surrounding lands through the introduction of another small residential property in the area which could precipitate land use conflicts between agricultural operations and residential uses of property.

Other Factors

The Commission considered the comments made by the Board of Directors of the Regional District of Bulkley Nechako who forwarded the application with a recommendation of support and the RDBN planning staff recommended approval because the impacts of the proposed subdivision were minimal on the subject parcel. However, the Commission agreed with the

comment of the Ministry of Agriculture staff who indicated that they do not support the application because it is inconsistent with zoning, and could result in rural/farm conflicts.

Furthermore, The Commission previously refused the subdivision of an adjacent 2 ha lot straddling Engen Road because of potential negative impacts on agriculture.

CONCLUSION:

Engen road does not constitute a significant barrier to farming the property as one unit, and as such the proposed subdivision could adversely impact agriculture through the introduction of another small residential lot into the area.

IT WAS

MOVED BY: Commissioner Dyson

SECONDED BY: Commissioner Gillette

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, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

Commissioner Collins requested to be recorded as opposed to the decision.

CARRIED

Resolution # 239/2011