



January 6, 2011

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

Reply to the attention of Martin Collins
ALC File: #52010

Janice and Barry Collins
10712 Mapes Road
Vanderhoof, B.C.
V0J 3A1

Dear Sir:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution #2820/2010 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Brian Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of Bulkley Nechako File: ALR 1105

MC/52010d1



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: 52010
Applicant: Barry and Janice Collins
Proposal: To exclude the 8 ha parcel from the ALR.
Legal: PID 005-220-939 Lot A, Sect. 4, Twp. 1, R. 4, Coast District, Plan 9907
Location: Mapes Road, south of Vanderhoof

Exclusion Meeting

An exclusion meeting was conducted on December 10th, 2010 at the Prince George Airport. Those in attendance were:

- Janice and Barry Collins
- Commissioners and staff as noted above

The 8 ha property is a forested low gravel ridge. The applicants indicated that when they purchased the property it had two permanent dwellings. Their intention is to subdivide the property into two 4 ha lots, each encompassing a dwelling.

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 8:5T 2:5D:

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

The limiting subclasses are topography and unfavourable soil structure.

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. It was noted that the property is located in an agricultural area, characterized by large parcels. 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 expressed concern that this parcel did not differ significantly from surrounding lands. Exclusion and subdivision might raise expectations of further exclusion and subdivision, resulting in the proliferation of rural residential lots. The overall impact could be the erosion of the resource and conflict with farm operations. In particular if the 8 ha lot is excluded from the ALR, it is the Commission's experience that eventually the 8 ha area will be subdivided into 2 ha (or smaller) lots.

Assessment of Other Factors

Finally it was noted that the Regional District Board (and staff), the Ministry of Agriculture and Lands, and the Advisory Planning Committee did not support the proposal. In view of this and the other concerns noted above, the Commission was unwilling to exclude the land from the ALR

Conclusions

1. That the land under application has limited agricultural capability but is suitable for some agricultural uses.
2. That the exclusion and subdivision of the 8 ha parcel has potential to negatively impact agriculture and 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 exclude the 8 ha property from the ALR 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 # 2820/2010