



Agricultural Land Commission
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5th December, 2011

Reply to the attention of Roger Cheetham
ALC File: 52237

John Molodowich
Box 1
McBride, BC
V0J 2E0

Dear Mr. Molodowich:

Re: Application for Subdivision in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # **389/2011** 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 black ink, appearing to read 'Brian Underhill', is written over the printed name below.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of Fraser Fort George (ALR 3537/SE1/4)

rc/
52237d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 26th, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

Gordon Gillette	Chair
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Jim Collins	Commissioner
Denise Dowswell	Commissioner

COMMISSION STAFF PRESENT:

Colin Fry	Executive Director
Roger Cheetham	Regional Planner

APPLICATION ID: #52237

APPLICANT: Tom and Shelly Ryan

PROPOSAL: To subdivide a 13.2 ha property into three lots of approximately 3, 4 and 6 ha
(Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

PID: 015-644-901

The Fractional South East ¼ of District Lot 3537 Cariboo District Except Plan 28181 and BCP 2790

CURRENT LAND USE: Existing structures include one farm house, a newly constructed second dwelling, a large covered riding area and riding stables.

SITE INSPECTION MEETING:

A site inspection meeting was conducted on 30th August 2011 following which a report was prepared. The report was amended to reflect the comments of the applicants, conveyed to the Commission in a faxed letter dated 5th October 2011.

Section 14(2) of the *Agricultural Land Commission Act* provides that a member of the Commission who was not present at a meeting to determine an application or other matter may vote on the application or matter only if a summary of the meeting is given to the member before the vote. The site inspection meeting report constitutes a written record of the site inspection meeting and has been provided to all Commission members recorded above.

COMMISSION CONSIDERATION:

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.

Discussion

Assessment of Agricultural Capability

Based on the information contained in Map 93H.08 (Scale 1:50,000) of the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system, the agricultural capability ratings are identified as being:

The unimproved and improved ratings of the property are 6:4DW, 4:3D
Class and Subclass Descriptions

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.

D undesirable soil structure
W excess water

In the light of these ratings the Commission concluded that property has significant agricultural capability.

Assessment of Agricultural Suitability

The Commission noted that the property is located at the eastern edge of a large block of ALR that is being used productively for agriculture. The Commission also noted that the property is separated from development in McBride by the CNR. Having regard to these considerations the Commission did not consider that there are any external or internal factors that have caused or will cause the property to become unsuitable for agriculture.

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 the applicants had reduced the number of proposed subdivisions for three to two. However the Commission in noting that the property is located in an area with generally similar sized subdivisions to the subject property was of the view that, having regard to the type of agriculture for which the area is suited, further subdivision was undesirable and would reduce the range of agricultural options for the property. The Commission noted that the existing owners might benefit from the separation of the assets of the farm that would result from the proposed subdivision but these benefits had to be weighed against the long term interests of agriculture.

Assessment of Other Factors

The Commission noted that the Regional Board, the staff of the Regional District and the Ministry of Agriculture all recommended refusal of the application.

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 proposal will impact agriculture.
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

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 # 389/2011