



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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5<sup>th</sup> December, 2011

Reply to the attention of Roger Cheetham  
ALC File: 52240

Kevin and Shannon Bolen  
Box 4255  
Smithers, BC  
V0J 2N0

**Re: Application for Exclusion from the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 412/2011 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Brian Underhill', is written over a faint, larger version of the signature.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of Bulkley Nechako (ALC Application #1108)

rc/  
52240d1



## PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 26<sup>th</sup>, 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

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### APPLICATION ID: # 52240

APPLICANT: Kevin and Sharon Bolen

PROPOSAL: To exclude a 30.4 ha property from the ALR

(Submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*)

### PROPERTY INFORMATION:

PID: 013-741-187

The South East ¼ of Section 22, Township 1A, Range 5, Coast District Except Plans 9700 PRP 12841 and PRP 13178

**CURRENT LAND USE:** *Mainly low lying swampy areas and second growth pine and aspen.*  
There are no buildings on the property

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<b>SITE INSPECTION MEETING:</b>
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A site inspection and exclusion meeting was conducted on 1<sup>st</sup> September 2011 following which a report was prepared. The report was changed to reflect the comments of the Applicant, provided in a FAX dated 12<sup>th</sup> 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 and exclusion meeting report constitutes a written record of the site inspection meeting and has been provided to all Commission members recorded above.

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**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 93L.14 (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 bulk of the property has unimproved and improved ratings of 8:4PT, 2:5MP

**Class and Subclass Descriptions**

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

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

P      stoniness  
T      topography  
M      soil moisture deficiency

**Site Specific Report regarding Agricultural Capability**

Report Prepared By: Wendy Siemens, P. Ag.

Date Prepared:      No date given. Site inspection date: 12<sup>th</sup> September 2011

The report indicates that the CLI ratings do not reflect the excess water, estimated to comprise 30% of the property, found primarily in the southern portion of the property. With regard to the remaining area the report indicates that the arable areas would need to be intensively managed to become productive. The frost free periods makes the area best suited for perennial forage crops.

**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 noted that the property is located at the western extremity of a large ALR block and is separated from the surrounded land outside the ALR by Highway 16 and Nouch Road. Immediately to the east is a property that has been cleared and used for agriculture in the past. Having regard to these considerations the Commission did not believe that there are external factors that render the land unsuitable for agricultural use.

**Assessment of Impact on Agriculture**

The Commission noted from the report prepared by Wendy Siemens that significant portions of the property have drainage limitations. However the bulk of the property (70%) has potential for forage crops and possibly for more intensive arable purposes.

With regard to its suitability for rural residential development the Commission noted the points made by the applicants including the fact that the property is adjacent to residential development and there is a high demand for 2 ha lots in the Smithers area. However, the Commission also noted that the OCP and Zoning Bylaw both show the property as being suitable for agricultural purposes and the Regional Board does not support the application. The Commission was of the view that the identification of areas to accommodate future residential needs should be undertaken through a land use planning exercise. It was not satisfied that evidence has been provided to indicate an overriding demand for residential development that would justify the exclusion of the subject property from the ALR for such purposes. While recognizing that the subject property has some agricultural limitations the Commission considered that it nevertheless is not without agricultural potential and as such it should remain in the ALR.

**IT WAS**

**MOVED BY:** Commissioner J. Thibeault

**SECONDED BY:** Commissioner J. Collins

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.

**CARRIED**

**Resolution # 412/20**