



**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

December 14, 2011

Reply to the attention of Gordon Bednard  
ALC File: #52422

Joseph Umanetz  
PO Box 734  
Charlie Lake, BC  
V0C 1H0

Dear Sir:

**Re: Application to Subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 469/2011 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 horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Peace River Regional District Attn: Tim Donegan file #115/2011

GB/  
52422d1



## PROVINCIAL AGRICULTURAL LAND COMMISSION

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A meeting was held by the Provincial Agricultural Land Commission on October 26, 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
Denise Dowswell	Commissioner
Jim Collins	Commissioner
Richard Bullock	Commissioner

### COMMISSION STAFF PRESENT:

Gordon Bednard	Land Use Planner
Colin Fry	Executive Director

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### APPLICATION ID: # 52422

**PROPOSAL:** To subdivide the 1/2 section into two 1/4 sections to sever the poorer capability lands from

the higher capability lands on the northerly 1/4. Donis Road would sever the proposed southerly 1/4 into two roughly equal sized parts.

(Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*) Subdivision

### PROPERTY INFORMATION:

**Parcel ID:** 024-763-977

**Legal Description:** The West 1/2 of Section 1 Township 85 Range 21 West of the 6th Meridian Peace River District

**Size:** 130 ha

**Area in ALR:** 130 ha

**Current Land Use:** A permanent house, and a cottage are located on the southerly 1/4 section. Most of the property was cleared at some point. About 50% is reverting to bush.

**Farm Classification:** No  
(BC Assessment)

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### PROPERTY OWNER INFORMATION:

1. Joseph Umanetz

**DATE PROPERTY ACQUIRED:** July 2006

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## **SITE INSPECTION MEETING:**

A site inspection was conducted on October 4, 2011 by Commissioner Collins and staff member Gordon Bednard. A verbal report of the site inspection was presented to the Commission at the time of the October 26 meeting.

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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.

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

#### Subclasses

C        adverse climate

### **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. This area is presently undergoing extensive agricultural development, and any non-farm activities are limited and not believed by the Commission to have a negative impact on agriculture.

### **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 is not generally supportive of the subdivision of agricultural land as it believes that smaller parcels are less able to support a wide range of agricultural activities. As well, in the experience of the Commission, the introduction of an increased number of lots into agricultural areas often leads to conflicts between land uses (i.e. farm and residential), usually to the detriment of farming.



## Other Factors

The Commission noted that an earlier application for subdivision of the property by the same owner (subdivision along the road) was considered and refused by the Commission on the basis of their belief that subdivision of agricultural lands has the potential to limit agricultural options for properties and as such runs contrary to the mandate of the Commission. It also noted that the Commission had visited the property prior to that decision, in the company of the proponent, Mr Umanetz.

## 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 negatively impact agriculture.
4. Therefore, for the above reasons, the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

## IT WAS

**MOVED BY:** Commissioner Jerry Thibeault  
**SECONDED BY:** Commissioner Denise Dowswell

THAT the application be refused for the above reasons. The Commission sees little difference (except for the resultant sizes of the proposed 2 lots) between this proposal and the previous application for subdivision which was also 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.

**CARRIED**  
**Resolution # 469/2011**