



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
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April 23, 2012

Reply to the attention of Liz Sutton
ALC File: #52499

Dediluke Land Surveying Inc.
4801 Keith Avenue
Terrace, BC V8G 1K6

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 132/2012 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 that reads 'Liz Sutton'. The signature is written in a cursive, flowing style.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of Kitimat-Stikine

JC/
52499d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 20, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

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

COMMISSION STAFF PRESENT:

Liz Sutton	Land Use Planner
Colin Fry	Executive Director

APPLICATION ID: #52499

PROPOSAL: To subdivide an 18.7 ha property into two approximately 4.1 ha residential lots and a 10.5 ha remainder parcel. (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

Parcel ID:	006-807-275
Legal Description:	Lot B District Lot 1117 Range 5 Coast District Plan 8798 EXCEPT Plan 10033
Civic Address:	Roughly 4 km north of Terrace
Size:	18.7 ha
Area in ALR:	18.7 ha
Property Owner(s):	Josef Huber
Purchase Date:	June 5, 1981

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).

The agricultural capability of the soil of the subject property is

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.

Class 7 – Land in this class has no capability for arable or sustained natural grazing

Subclasses

M soil moisture deficiency
P stoniness
T topography

Agricultural Suitability

The property is currently used for forage production and livestock, which demonstrates its suitability for agriculture. The Commission recognizes that there were previous environmental issues in a nearby stream due to spreading of manure on the subject property. The environmental risk to the stream was suggested as a reason for subdividing the property for less intensive agriculture or residential use. The Commission does not believe that farm management practices, which can be managed or modified, should be used as a reason for subdivision of an agricultural property.

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 supports its previous rationale that smaller parcels would significantly reduce the overall agricultural potential of the property. The Commission believes that the proposed subdivision would create two parcels that would be more conducive to residential use and less useful for agricultural pursuits. The Commission also believes the proposal would impact existing or potential agricultural use of surrounding lands by parcelization of an agricultural area.

Other Factors

There have been two previous subdivision applications from the same applicant proposing subdivision (ALC #10896 and ALC #31460).

Application #10896 proposed subdivision along the road which was allowed and created the subject property in its current configuration.

Application #31460 proposed to subdivide the current subject property into four lots and was refused on the basis of the impact on the subject property as well as on the surrounding

properties in the Agricultural Land Reserve. New information in the form of an agrologist report was submitted and the application was reconsidered as a three lot subdivision of 4 ha, 4.8 ha, and 9.9 ha. The application was subsequently refused on the grounds that smaller parcels would significantly reduce the overall agricultural potential of the property.

The Commission believes that division of the property into substantially smaller lots would decrease the land's agricultural viability because smaller parcels generally limit the type and scale of agricultural development. In the long term, subdivision can lead to the conversion of an agricultural area to one that is primarily residential.

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 adversely impact agriculture.
4. The Commission has already refused subdivision of this property through previous applications.
5. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Gillette

SECONDED BY: Commissioner Thibeault

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.

CARRIED

Resolution # 132/2012