



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

August 17, 2012

Reply to the attention of Liz Sutton
ALC File: 52680

Mary Lynn
4944 Jollymore Road
Smithers, BC
V0J 2N7

Dear Ms. Lynn:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #269/2012 outlining the Commission's decision as it relates to the above noted application. The Commission draws your attention to sections 33(1) and 30.1 of the *Agricultural Land Commission Act*.

SECTION 33(1) - RECONSIDERATION OF DECISIONS

Section 33(1) of the *Agricultural Land Commission Act* provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

- 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.

A revised proposal does not constitute new information and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

SECTION 30.1 – CHIEF EXECUTIVE OFFICER MAY REFUSE APPLICATIONS

Section 30.1 of the *Agricultural Land Commission Act* provides the Chief Executive Officer with the ability to refuse repeat applications that are of a substantially similar nature and have been previously refused by the Commission.

- 30.1(1) In this section, "application" means an application for a non-farm use under section 20, for a subdivision under section 21 or for exclusion under section 30.

- (2) Despite any other provision of this Act, on an application, the chief executive officer may refuse permission if
- (a) within 5 years immediately preceding the application, a previous application was refused permission by the commission,
 - (b) the previous application was made on or after the date this section comes into force,
 - (c) the land, or a part of the land, that is the subject of the application is the same as the land, or part of the land, that was the subject of the previous application, and
 - (d) the chief executive officer considers that the application is substantially the same as the previous application.
- (3) A refusal of permission by the chief executive officer under subsection (2) is a decision of the commission for the purposes of this Act.

Section 30.1(2)(b) of the *Agricultural Land Commission Act* came into force on November 24, 2011. This application was made on February 7, 2012 which corresponds with the date of submission to the Regional District of Bulkley-Nechako.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of Bulkley-Nechako (File: 1121)

LS/
52680d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

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

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
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: #52680

PROPOSAL: To subdivide 7 ha from a 64.5 ha property as separated by Jollymore Road.
(Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

Parcel ID: 011-768-444
Legal Description: District Lot 6660, Range 5, Coast District
Civic Address: 4494 Jollymore Road, Smithers
Size (ha): 64.5
Area in ALR (ha): 64.5
Current Land Use: Log dwelling (80-85 years old), 5 storage sheds (built 1920s - 1930s), vegetable garden, pasture, forested area
Farm Classification: Yes
(BC Assessment)

PROPERTY OWNER INFORMATION: Mary Lynn

DATE PROPERTY ACQUIRED: August 13, 1993

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.

The agricultural capability ratings applicable to the subject property are:

- 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 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

The subject property has limitations of stoniness, topography, bedrock near the surface, and moisture deficiency. While the portion south of the road has some agricultural limitations, the Commission believes that the parcel has greater agricultural potential if left intact.

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 surrounding area consists predominantly of large agricultural parcels, and as such the Commission does not believe that there are any external factors which render the land unsuitable for agricultural use. The Commission also considered whether Jollymore Road was an impediment to the use of the property as a single agricultural unit and concluded that Jollymore Road did not impede the agricultural use of the parcel as a whole.

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 amenable to fragmentation in areas of large agricultural parcels for the purpose of residential use. The Commission concurs with the concerns of the Regional District of Bulkley-Nechako regarding the continued residential expansion in the ALR. The Commission believes the proposal will impact existing or potential agricultural use of surrounding lands.

CONCLUSIONS:

1. That Jollymore Road does not provide an impediment to agricultural use of the property as a whole;
2. That the parcel has greater agricultural potential in its configuration; and
3. That the land under application is suitable for agricultural use.

IT WAS
MOVED BY: Commissioner Gillette
SECONDED BY: Commissioner Dowswell

THAT the application be refused.

CARRIED
Resolution # 269/2012