



Agricultural Land Commission

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August 17, 2012

Reply to the attention of Liz Sutton
ALC File: 52718

Jonathan & Suzanne Mazereeuw
Box 731
McBride, BC
V0J 2E0

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #271/2012 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 January 6, 2012 which corresponds with the date of submission to the Regional District of Fraser-Fort George.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:



Brian Underhill, Executive Director

Enclosure: Minutes/Sketch Plan

cc: Regional District of Fraser-Fort George (File: #200/12)

LS/
52718d1



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 Dowsweiff	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Liz Sutton	Land Use Planner
Colin Fry	Executive Director

APPLICATION ID: #52718

PROPOSAL: To subdivide one 1.6 ha parcel from an 8.7 ha property.
(Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

Parcel ID: 015-258-394
Legal Description: The Fractional North East 1/4 of District Lot 3330, Cariboo District, Except Part Lying North of Plan A132 and Except Plans 21079 and 21855
Civic Address: 2630 Highway 16, McBride
Size (ha): 8.7
Area in ALR (ha): 8.7
Current Land Use: 1000 square foot cottage under construction, hayfield, pasture, wooded area, low-lying creek and swamp
Farm Classification: Yes
(BC Assessment)

PROPERTY OWNER INFORMATION: Jonathan and Suzanne Mazereeuw

DATE PROPERTY ACQUIRED: August 9, 2007

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 3 – Land in this class has limitations that require moderately intensive management practices or moderately 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

The subject property has limitations of a combination of soil factors, inundation by flooding, topography, and bedrock near the surface.

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.

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 considered the comments from the McBride Farmers Institute that it *"objects to the application as we feel this parcel stands as a viable small farm with productive hay fields. We should not allow a building site in the middle of viable farmlands (hay fields) just to later be subdivided. This could set a precedent that would hugely affect small farms."* The Commission agrees with the concerns of the McBride Farmers Institute and is not amenable to subdivision of a lot which will bisect a productive hayfield and ultimately divide the arable portions of the property. In addition, the Commission does not support fragmentation in areas of large agricultural parcels for the purpose of residential use. For these reasons, The Commission believes the proposal would adversely impact existing and potential agricultural use of the subject property.

CONCLUSIONS:

1. That the land under application is suitable for agricultural use.
2. The proposal will negatively impact the agricultural potential of the subject property.
3. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS
MOVED BY: Commissioner Collins
SECONDED BY: Commissioner Thibeault

THAT the application be refused.

CARRIED
Resolution # 271/2012