



April 9, 2014

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

ALC File: #53406

Darwin Linford
Box 746 – 2476 Pingel Road
Taylor, B.C.
V0C 2K0

Dear Mr. Linford:

Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution #113/2014 as it relates to the above noted application.

The Commission draws your attention to Section 33(1) of the *Agricultural Land Commission Act* which 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 evidence 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.

Further correspondence with respect to this application is to be directed to Gordon Bednard.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Colin J. Fry, Chief Tribunal Officer

Enclosure(s): Minutes of Resolution #113/2014

cc: Peace River Regional District (File #115/2013)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 26, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53406.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner

COMMISSION STAFF PRESENT:

Gordon Bednard	Planner
Jennifer Carson	Planner
Lindsay McCoubrey	Planner
Colin Fry	Chief Tribunal Officer

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

SUBDIVISION: To subdivide the 61 ha subject property into two parcels of approximately 36 ha and 24 ha as divided by Pingel Creek Road.

PROPERTY INFORMATION:

Owner: Darwin Linford

Legal: PID: 010-259-112
The North West ¼ of Section 7, Township 82, Range 17, West of the 6th Meridian, Peace River District, Except the most Westerly 14 Feet in the Parallel Width

Location: 2476 Pingel Road, south of Taylor

Size: 61 ha

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
- (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and

- (c) 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.

COMMISSION CONSIDERATION

The Commission reviewed a previous application involving the subject property:

Application # 18890 Proposal: to subdivide the 61 ha property into two lots as divided by
(Campbell, 2002) Pingel Creek Road, for a home-site for the applicant's retirement.

Decision: Refused – the land has good capability for agriculture, and the road not an impediment to utilizing the property as a single agricultural unit. Resolution #349/2002.

After considering the information the Commission concluded as follows:

1. The Commission assessed its previous position, stated in Resolution #349/2002, that it does not consider Pingel Creek Road to be a significant impediment to using the property as an agricultural unit.

Conclusion: The Commission confirmed that it does not believe that the road is a barrier to farming the property as a unit.

2. The Commission considered the agricultural impacts of the proposed subdivision.

Conclusion: The Commission does not believe subdivision is supportive of the long term agricultural use of either of the proposed lots. It is the Commission's experience that smaller lots offer a narrow range of agricultural options, and are less likely to be used for agricultural purposes. In addition arable land is often alienated in the construction of a new homesite, eroding agricultural potential.

3. The Commission considered the potential for consolidation with the adjoining property.

Conclusion: The Commission noted that the applicant indicated in the file material that the property owner to the south may be interested in purchasing the proposed 36 ha parcel. The Commission believes that, should the adjacent property owner(s) to the south wish to consolidate their property with the 36 ha (by re-survey), it would have no objection to a boundary adjustment.

IT WAS

MOVED BY: Commissioner Gillette
SECONDED BY: Commissioner Miles

THAT the proposal to subdivide the 61 ha property into two lots be refused as proposed.

CARRIED

Resolution #113/2014