



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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www.alc.gov.bc.ca

April 9, 2014

ALC File: #53437

Peter and Barbara Moritz  
SS #2, Comp 4, Site 8  
13332 Meek Road  
Fort St. John, B.C.  
V1S 4M7

Dear Mr. and Mrs. Moritz:

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

Please find attached the Minutes of Resolution #117/2014 as it relates to the above noted application. The Commission has also attached a sketch plan depicting the decision.

Please send two (2) copies of the final survey plan and covenant document to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the survey plan and covenant.

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

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Colin Fry', written over a white background.

Colin J. Fry, Chief Tribunal Officer

Enclosure: Minutes of Resolution #117/2014  
Sketch plan

cc: Peace River Regional District (File #130/2013)

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## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 28<sup>th</sup>, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53437.

### 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
Eamonn Watson	Planner
Colin Fry	Chief Tribunal Officer

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

**SUBDIVISION:** To subdivide a 2 ha lifetime lease for the owners of the 29.4 ha subject property so that when they sell the property to their son, they can remain on the property.

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### PROPERTY INFORMATION:

**Owner:** Peter and Barbara Moritz

**Legal:** PID: 007-820-313  
Lot 3, Section 24, Township 84, Range 21, West of the 6<sup>th</sup> Meridian, Peace River District, Plan 25280

**Location:** 1332 Meek Road, Fort St. John

**Size:** 29.4 ha

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### 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.

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## COMMISSION CONSIDERATION

The Commission reviewed three previous applications involving the subject property:

- |   |   |
|---|---|
| Application # 30545<br>(Thompson, 1978) | <b>Proposal:</b> To subdivide the subject property into five parcels as it is divided by the existing road network.<br><b>Decision:</b> Allowed. Resolution #9383/78. - created the subject property.   |
| Application #44060<br>(Moritz, 2007)    | <b>Proposal:</b> To subdivide the 30 ha parcel into two (2) lots of 15 ha.<br><b>Decision:</b> Refused. Resolution #315/2007.   |
| Application # 8927<br>(Moritz, 1997)    | <b>Proposal:</b> To subdivide the 30 ha. subject property into one lot of 14 ha and four lots of 4 ha.<br><b>Decision:</b> Refuse on the grounds that the subdivision proposal would reduce the agricultural potential of the subject property and place residential pressures on large agricultural holdings to the east and south of the subject property. Resolution #642/1997. Refusal reconfirmed by Resolution # 70/98. |

After considering the file information the Commission concluded as follows:

1. The Commission assessed the agricultural capability of the subject property.

**Conclusion:**

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 improved agricultural capability ratings identified on Canadian Land Inventory (CLI) map are 5C.

Class 5 land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability. The limiting subclass associated with this parcel of land is C (severe climate).

The subject property has agricultural capability but is forested and has never been developed for agriculture.

2. The Commission assessed the agricultural impacts of the proposed lifetime lease.

**Conclusion:**

The Commission noted that the purpose of the subdivision is to allow the applicants to remain living on the property in their home for their lifetimes and also to transfer the remainder of the property to their son. As such a lifetime lease will likely result in the

construction of a second homesite on the property. Another homesite represents a minor loss of productive capacity. However, the Commission did not believe that the agricultural impacts of a 2 ha lifetime lease were significant given the agricultural capability and suitability of the subject property. Upon the deaths of the applicants, the leasehold homesite will be re-absorbed into the parent parcel.

**IT WAS**

**MOVED BY: Commissioner Miles**  
**SECONDED BY: Commissioner Dempsey**

THAT the proposal to create 2 ha lifetime leasehold on the subject property be conditionally approved.

AND THAT the final approval is subject to:

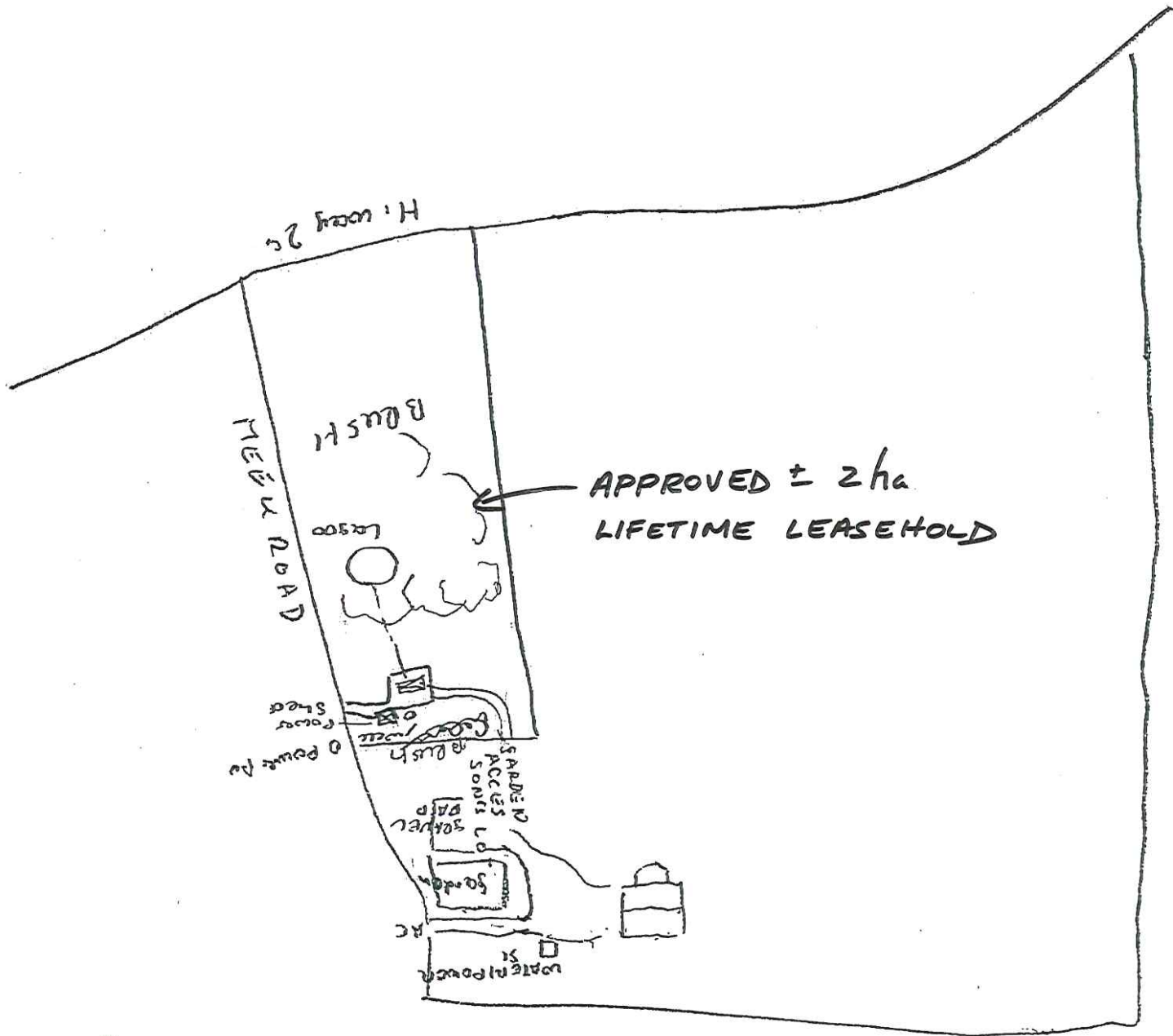
1. The leasehold subdivision be in substantial compliance with the plan submitted with the application;
2. The registration of a lifetime lease covenant in the applicant's names;
3. The leasehold subdivision plan must be completed within three (3) years from the date of this decision;

AND FINALLY THAT this decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

**CARRIED**

**Resolution #117/2014**

ALC APPLICATION # 53437  
RESOLUTION # 117/2014  
SKETCH PLAN



APPROVED ± 2ha  
LIFETIME LEASEHOLD

