



**Agricultural Land Commission**  
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May 22, 2014

ALC File: #53502

Thomas Buri  
PO Box 2373  
4660 Old Babine Lake Road  
Smithers, B.C. V0J 2N0

Dear Mr. Buri:

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

Please find attached the Minutes of Resolution #122/2014 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.

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 Liz Sutton.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Colin J. Fry, Chief Tribunal Officer

Enclosure: Minutes of Resolution #122/2014

cc: Bulkley-Nechako Regional District (File #1153)

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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 #53502.

### 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
Liz Sutton	Planner
Brian Underhill	Deputy Chief Executive Officer
Colin Fry	Chief Tribunal Officer

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

To subdivide the 31.9 ha area of two parcels to create three lots. The proposed lots sizes are 4.7 ha, 5.2 ha, and 29.1 ha. The two smaller parcels are intended for family members.

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### PROPERTY INFORMATION:

#### Parcel 1

**Owner:** Thomas Buri

**Legal:** PID: 015-104-362  
The West ½ of District Lot 1195, Range 5, Coast District, Except Parcel A (See J10999), Plans 6801, BCP24965, BCP32740 and EPP1500

**Location:** Smithers

**Size:** 16.2 ha

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#### Parcel 2

**Owner:** Thomas Buri

**Legal:** PID: 027-979-610

Lot B, Sections 4 and 5, Township 4A, Range 5, Coast District, Plan EPP3487

**Location:** Smithers

**Size:** 22.9 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 properties:

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| Application #23881<br>(Peterson, 1989) | To subdivide a 64.7 ha and a 46.1 ha parcel into two parcels of 32.35 ha and two parcels of 23.05 ha. Refused by Resolution #1192/89.                              |
| Application #17142<br>(Kindrat, 1984)  | To exclude a 17 ha parcel from the ALR to facilitate a two lot subdivision. The proposed lots are physically divided by topography. Refused by Resolution #552/84. |
| Application #13859<br>(Hayes, 1982)    | To subdivide a 16.7 ha parcel to create two 2 ha lots and a 12.7 ha remainder lot. Refused by Resolution #647/1982.  |

The Commission reviewed one application involving an adjacent property:

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|-------------------------------------|--|
| Application #52552<br>(Ewald, 2011) | To subdivide a 5.6 ha lot from a 13.9 ha property. The proposed lot contained a fenced horse pasture. The remaining 8.4 ha contained a residence, barn, and shed. The property is limited by topography and bedrock. Subdivision was approved as a small lot would be conducive to the proposed small animal farm. Resolution #117/2012. |
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**Note: This application was adjacent to west of subject properties.**



After considering the information the Commission concluded as follows:

1. 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 CLI map sheet 93L/14 Parcel 1 and 2 are approximately 75% (50% Class 4PT, 30% Class 3X, and 20% Class 6T) and 25% Class 6TR.

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

Class 6 - land is important in its natural state as grazing land. These lands cannot be cultivated due to soil and/or climate limitations.

The limiting subclasses associated with this parcel of land are P (stoniness), T (topographic limitations), R (bedrock near the surface) and X (combination of soil factors).

**Conclusion:**

The subject property contains a ridge generally described as being aligned from northwest to southeast (Class 6TR) which separates the areas with greater agricultural capability.

2. There are approximately 8 ha of arable land (combined portions of Parcels 1 and 2) west of the ridge. The proposed parcel configuration would subdivide the largest contiguous area of arable land on the two subject properties. Further, with respect to the two proposed lots west of the ridge, the Ministry of Agriculture Regional Agrologist stated that "*Further fragmentation of productive arable land such as proposed Lot 2 and Lot 3 in the subject application are generally not supported*".

**Conclusion:**

The Commission does not support the subdivision of arable land into smaller parcels as it will reduce the types of agriculture that can occur on the property.

3. The Commission would consider a three lot subdivision in an alternative lot configuration which does not sever cultivated land.

**Conclusion:**

While the Commission is not amenable to the proposed subdivision configuration, the Commission would be willing to consider the creation of three parcels: one parcel comprised of the arable land west of the ridge, and two parcels east of the ridge which do not bisect any cultivated areas.

**IT WAS**

**MOVED BY:** Commissioner Bullock  
**SECONDED BY:** Commissioner Dempsey

THAT the proposal to subdivide the two subject properties into three lots be refused as proposed.

AND THAT the Commission would be willing to consider the creation of three parcels: one parcel comprised of the arable land west of the ridge, and two parcels east of the ridge which do not bisect any cultivated areas.

**CARRIED**  
**Resolution #122/2014**