



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

June 10, 2014

ALC File: #53592

Irene Lema
PO Box 169
Tomslake, BC
V0C 2L0

Dear Ms Lema:

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

Please find attached the Minutes of Resolution #182/2014 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:

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 #182/2014

cc: Peace River Regional District (File #214/2013)



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 28, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53592.

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
Martin Collins	Regional Planner
Colin Fry	Chief Tribunal Officer

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

SUBDIVISION: To subdivide a 6 ha lot from the 64.8 ha subject property for the applicant's son.

PROPERTY INFORMATION:

Owners: Irene Lema

Legal: PID: 014-266-199
The North West $\frac{1}{4}$ of Section 35, Township 27, Range 18, West of the 6th Meridian,
Peace River District

Location: South of Swan Lake

Size: 64.8 ha – 51.5 ha in the ALR

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

After considering the file information the Commission concluded as follows:

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

Conclusion:

The Canada Land Inventory (CLI) soil capability rating for the ~51.5 ha ALR portion of the subject property is 6:4X 4:4W indicating that the property has moderate agricultural capability, with excess water (W) and cumulative and minor adverse characteristics (X) being the limiting factors to agricultural development. Much of the property is undeveloped and forested. A ravine bisects the property from north to south. The proposed 3 ha lot lies between the existing homesite and the only cleared field area (~8 ha) located at the northwest corner of the property

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

Conclusion:

The subdivision of a residential lot in an area of large farm parcels is not consistent with the objectives of the *Agricultural Land Commission Act (ALCA)*; to preserve agricultural land and encourage farming. Subdivision incrementally erodes the arable land base and introduces residents into farm areas, potentially resulting on conflicts between farmers and residents. In this application the proposed 6 ha lot is narrow and severs the existing homesite from the developed field, compromising the use of the field with the existing homesite, and potentially raising expectations of additional subdivision.

3. The Commission considered the applicant's reference to Section 946 of the *Local Government Act (LGA)* provided in support of the application.

Conclusion:

Section 2 of the *Agricultural Land Commission Act (ALCA)* establishes primacy of the ALCA over other legislation. More specifically:

2(1) This Act and the regulations are not subject to any other enactment, whenever enacted, except the Interpretation Act, the Environment and Land Use Act and the Environmental Management Act and as provided in this Act.

The Local Government Act is subordinate to the ALCA and as such the existence of section 946 of the LGA does not compel the ALC to approve subdivision in the ALR. Section 946 is a tool available to local government to accommodate a subdivision for a relative if the proposed lot is smaller than the minimum lot size specified in a zoning bylaw, and it can only be used if the ALC approves a subdivision application. The ALC's consideration of subdivision proposals must be in accordance with the purposes of the ALCA provided in section 6 (and noted above).

IT WAS

MOVED BY:

Commissioner Gillette

SECONDED BY:

Commissioner Thibeault

THAT the application to subdivide a 6 ha lot from the 64 ha subject property be refused.

CARRIED

Resolution #182/2014