



June 16, 2015

Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
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www.alc.gov.bc.ca
ALC File: 53814

Paul & Lisa Gould
Box 6437 Stn. Main
Fort St. John, BC V1J 4H8

Dear Mr. and Mrs. Gould:

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

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #168/2015) as it relates to the above noted application. A sketch plan depicting the decision has been attached.

Please send two (2) copies of the final survey plan 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 plan.

Your attention is drawn to s. 33(1) of the *Agricultural Land Commission Act* which provides a person affected the opportunity to submit a request for reconsideration.

- 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.

Please note that pursuant to s. 33.1 of the *Agricultural Land Commission Act*, the Chair may direct the executive committee to reconsider this panel decision if, within 60 days from the date of this decision, he considers that the decision "may not fulfill the purposes of the commission as set out in section 6 or does not adequately take into account the considerations set out in section 4.3". I can advise you that in this case, the Chair has already reviewed the decision and has instructed me to communicate to you that he does not intend to exercise that authority in this case.

Further correspondence with respect to this application is to be directed to Laurel Eyton at (Laurel.Eyton@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

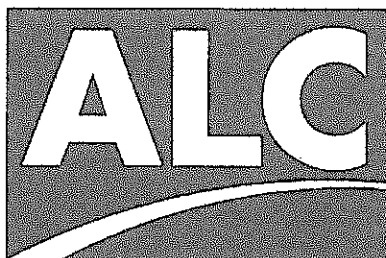

Colin J. Fry, Chief Tribunal Officer

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Enclosures: Reasons for Decision (Resolution #168/2015)
Sketch plan

cc: Peace River Regional District (File: 140/2014)
Lori Vickers, Regional Agrologist – Ministry of Agriculture, Dawson Creek Office

53814d1



AGRICULTURAL LAND COMMISSION FILE 53814

REASONS FOR DECISION OF THE NORTH PANEL

Application submitted pursuant to s. 21(2) of the *Agricultural Land Commission Act*

Applicants:

**Paul Gould
Lisa Gould
(the "Applicants")**

Application before the North Regional Panel:

**Dave Merz, Panel Chair
Sandra Busche
Garry Scott**



THE APPLICATION

[1] The legal description of the property involved in the application is:

Parcel Identifier: 024-763-977

The West ½ of Section 1, Township 85, Range 21, West of the 6th Meridian, Peace

River District

(the "Property")

[2] The Property is generally described as being located on Donis Road, 10 km west of Charlie Lake.

[3] The Property is 130.7 ha in area.

[4] The Property is located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").

[5] The Property is located within Zone 2 as defined in s. 4.2 of the *ALCA*.

[6] Pursuant to s. 21(2) of the *ALCA*, the Applicants are applying to subdivide a 64.7 ha parcel from the Property which would result in a 66.0 ha remainder (the "Application").

[7] On March 3, 2015, the Chair of the Agricultural Land Commission (the "Commission") referred the Application to the North Regional Panel (the "Panel").

RELEVANT STATUTORY PROVISIONS

[8] The Application was made pursuant to s. 21(2) of the *ALCA*:

21(2) An owner of agricultural land may apply to the commission to subdivide agricultural land.



[9] The Panel considered the Application pursuant to its mandate in s. 4.3 of the *ALCA*:

4.3 When exercising a power under this Act in relation to land located in Zone 2, the commission must consider all of the following, in descending order of priority:

- (a) the purposes of the commission set out in section 6;
- (b) economic, cultural and social values;
- (c) regional and community planning objectives;
- (d) other prescribed considerations.

[10] The purposes of the Commission set out in s. 6 are as follows:

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.

EVIDENTIARY RECORD BEFORE THE PANEL

[11] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Previous application history
4. Agricultural capability map, ALR context map and satellite imagery
5. Letter from the Ministry of Agriculture's Regional Agrologist dated September 19, 2014
6. Email from Applicants dated March 3, 2015

All documentation noted above was disclosed to the Applicants in advance of this



decision.

[12] The Peace River Regional District (the "PRRD") resolved to forward the Application with support as it complies with the Official Community Plan.

[13] The Panel reviewed previous applications involving the Property:

Application ID: 43620
Legacy File: 37087
(Umanetz, 2006)

To subdivide the half-section along Donis Road to create one 29.0 ha lot south of the road and a 100 ha remainder. Refused by Resolution #356/2008.

Application ID: 52422
(Umanetz, 2011)

To subdivide the half-section into two quarter sections. Refused by Resolution #469/2011.

FINDINGS

Section 4.3(a) and Section 6 of the ALCA: First priority to agriculture

[14] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system. The agricultural capability ratings identified on CLI map sheet 94A/6 for the mapping units encompassing the Property are Class 5 and Class 6; more specifically the majority of the Property is classified as 5C, and a small portion of the southwest corner is classified as 6:5T 4:6TP.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

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 the Property are C (climate), P (stoniness) and T (topographic limitations).



[15] The size of the proposed parcels is consistent with the size of the traditional survey section sizes in the Peace Region.

[16] ALC staff provided the Panel with some background information regarding the Commission's historical position on subdividing large holdings into quarter sections. *Quarter (1/4) Section Subdivision.* "Between 1978 and November 2003, General Order #8314/78 of the Agricultural Land Commission, permitting the subdivision of full (260 ha) and half (130 ha) sections into quarter (65 ha) sections applied to the Peace River Regional District and the Northern Rockies Regional District. The General Order was established early in the Commission's history in recognition that the then Peace River – Laird Regional District was a unique region, similar in topography, climate and soils to the prairie provinces lying to the east. Like these provinces the prevailing subdivision pattern is Section/Township/Range on a regular square mile grid."

"The Commission's General Order #8314/78 was adopted in recognition that quarter sections were and are considered basic unit or building blocks of larger farms, permitting farmers to sell, purchase or lease these ¼ section units to build larger multiple section farms."

The General Order was rescinded on November 25, 2003. At that time, the Commission was primarily concerned that quarter sections were becoming residential estate parcels, rather than building blocks for farms.

A Commission 2013 review of the quarter section subdivision issue was prompted by a request from the PRRD to re-open the discussion with the Regional District about quarter section subdivision.

While this review did not culminate in a new order or policy, it did result in the Commission factoring into its decision making, the notion that quarter sections are considered the basic units or building blocks of larger farms, permitting farmers to sell, purchase or lease these quarter section units to build larger multiple section farms. Subsequent decision making on



applications has included this consideration, and since the 2013 review, some decisions have been made in support of such proposals.

[17] In the September 19, 2014 letter from the Ministry of Agriculture's Regional Agrologist the following advice was provided.

"The Ministry of Agriculture would like to note the potential risks to agriculture by approving the proposed subdivision. The subdivision proposes to essentially divide a half section of land into 2 quarter sections. The concern of the Ministry is that subdividing land can reduce the agricultural potential of the parcel for various reasons. First, it increases the potential for an additional dwelling on the land. Further, in order to access the proposed subdivision, a road/driveway must be constructed through the southwest portion of the quarter. Finally, this parcel of land appears to be in agricultural production; as a result, the proposed subdivision appears to fragment and field thereby reducing the functionality of the field."

[18] While ¼ Sections are the traditional survey sizes of parcels in the Region, in this case the proposed subdivision will subdivide an active farm field. The Panel notes that the Property is already bisected by a road, Donis Road, which effectively divides one of the proposed ¼ Sections into two parcels. The Panel believes, in this case, a subdivision along Donis Road would be preferable to a subdivision of the Property into two ¼ Sections.

Section 4.3(b) of the ALCA: Second priority to economic, cultural and social values

[19] The Panel noted that the Application was submitted prior to s. 4.3 coming into force. On December 11, 2014 the Commission wrote to the Applicants advising of the new s. 4.3 considerations and extended an invitation to make a further submission in this regard. The Applicants provided an email dated February 23, 2015 stating that "there is nothing else to submit."



Section 4.3(c) of the ALCA: third priority to regional and community planning objectives

[20] The proposed subdivision complies with the Zoning Bylaw and Official Community Plan of the area.

Weighing the factors in priority

[21] The Panel has approached this Application recognizing that first priority must be given to the purposes of the Commission in s. 6, and that the other "zone 2" factors listed in s. 4.3(b) and (c) of the ALCA are to have lesser priority than the s. 6 purposes.

[22] In this case, the Panel finds the evidence regarding agricultural considerations, including the history of quarter section applications provided by staff, indicates the proposed subdivision, if approved, will not diminish the agricultural capability and suitability of the Property.

[23] The Panel gave consideration to economic, social and cultural values and regional and community planning objectives planning as required by s. 4.3. In this case, the Panel finds that these considerations are not contributory to the decision given the Panel's finding following its review of the agricultural considerations.

DECISION

[24] For the reasons given above, the Panel approves to the subdivision of the 130.7 ha Property into two parcels as divided by Donis Road, and hereby directs staff to prepare an appropriate sketch plan.

[25] The Application is approved subject to the following conditions:

- a. the subdivision being in substantial compliance with the sketch plan prepared by staff;
and
- b. the subdivision plan being completed within three (3) years from the date of release of this decision.




[26] 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.

[27] Panel Chair **Dave Merz** concurs with the decision.
Commissioner **Sandra Busche** concurs with the decision.
Commissioner **Garry Scott** concurs with the decision.

[28] Decision recorded as Resolution #168/2015.

A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the Agricultural Land Commission Act.

Upon instruction of the Panel, I have been authorized to release the Reasons for Decision by Resolution #168/2015. The decision is effective upon release.



Colin J. Fry, Chief Tribunal Officer

June 16, 2015
Date Released

ALC application #53814
(applicants - Paul and Lisa Bould)
Resolution #168/2015



Property: The West 1/2 of
Section 1, Township 85, Range
21, West of the 6th Meridian,
Peace River District.
(PID# 024-763-977).