



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

November 23, 2015

ALC File: 53844

Joshua Isaac
2221 Ens Road
Vanderhoof, BC V0J 3A1

Dear Mr. Isaac:

Re: Reasons for Decision – North Panel, Resolution #320/2015

This is further to the Agricultural Land Commission (the "Commission") letter dated October 23, 2015 which forwarded the *Reasons for Decision of the North Panel*, recorded as Resolution #320/2015 (the "Decision"). In its covering letter to you, the Commission advised as follows:

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 s. 4.3.

In my capacity as Chief Tribunal Officer, I am writing to advise you that Commission Chair, Mr. Frank Leonard, has reviewed the *Reasons for Decision of the North Panel*, recorded as Resolution #320/2015 and has referred this matter to the Executive Committee of the Commission pursuant to s. 33.1 of the *Agricultural Land Commission Act* (the "ALCA") which provides the following:

Reconsideration of decisions of panel

- 33.1(1) The chair of the commission may, in writing, direct the executive committee to reconsider a decision made by a panel established under section 11(1) respecting an application or other matter allocated to the panel by the chair of the commission, including a panel's reconsideration of a decision under section 3(1), if
- (a) the chair considers that the decision
 - (i) may not fulfill the purposes of the commission as set out in section 6, or
 - (ii) does not adequately take into consideration the considerations set out in section 4.3, if applicable, and
 - (b) the chair makes the direction to the executive committee within 60 days of the decision being made.
- (2) If the chair of the commission directs the executive committee to reconsider a decision under subsection (1), the chair must give notice of the reconsideration to any person that the chair considers is affected by the reconsideration.

- (3) If the chair of the commission directs the executive committee to reconsider a decision under subsection (1), the executive committee must confirm, reverse or vary the decision.
- (4) For the purposes of subsection (3), the executive committee has all the powers, duties and functions of the commission.
- (5) A decision by the executive committee under subsection (3) is for all purposes a decision of the commission.

The Chair has directed the reconsideration on the basis that he considers that the Decision may not fulfill the purposes of the Commission as set out in s. 6 and that the decision does not adequately take into consideration the considerations set out in s. 4.3, the latter of which apply in Zone 2. The Chair has also directed me to make clear that this referral to the Executive Committee under s. 33.1(1) is just that, a referral, and does not represent the Chair's final conclusion on the proper outcome of the reconsideration. The final decision by the Executive Committee (consisting of the Chair and the 6 Vice-chairs of the Commission) will be made by the Executive Committee with each member being responsible for exercising their independent judgment as part of the Executive Committee as a decision-making body after deliberation, discussion and consideration of all the information, evidence and submissions.

The Chair has in his discretion directed that the District of Vanderhoof (the "District"), while not entitled to notice under s. 33.1(2), should be given the opportunity to provide any information in addition to that it has already provided in connection with the application, which information is to be provided to the Commission and to yourselves no later than December 4, 2015.

The Chair has also determined that you are a person entitled to notice under s. 33.1(2), and has therefore directed me to notify you of the reconsideration and to give you the opportunity to provide the Commission with any additional evidence and submissions no later than December 4, 2015. The Executive Committee will be considering both the application of s. 6 and s. 4.3 to your application. While you are not required to provide additional evidence and submissions, you are invited to do so. In particular, you may wish to address the following issues:

- (a) The impact of your application on the purposes of the Commission as set out in section 6 of the *ALCA* ("to preserve agricultural land, to encourage farming on agricultural land in collaboration with other communities of interest, 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");
- (b) How s. 4.3 applies to your application, including whether and how your application is supported by any of the factors set out in ss. 4.3(b) and (c), and how those factors should properly be applied in this case "in descending order of priority" as required by s. 4.3:

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;

Once the submission process is complete, the Executive Committee will consider the reconsideration at the first available meeting opportunity.

If you intend to respond, please direct your submission to Laurel Eyton, Land Use Planner at (Laurel.Eyton@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION



Colin Fry, Chief Tribunal Officer

cc: District of Vanderhoof (File: 2221 Ens Road)

David Merz, Chair, North Panel

Sandra Busche, Member, North Panel

Garry Scott, Member, North Panel

53844_Letter to Applicant_Reconsideration by Executive Committee



October 23, 2015

Joshua Isaac
2221 Ens Road
Vanderhoof, BC V0J 3A1

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133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
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ALC File: 53844

Dear Mr. Isaac:

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

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #320/2015) as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly. A sketch plan depicting the decision is also 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 will follow up with you in this regard once I have received instructions from the Chair.

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 #320/2015)
Sketch plan

cc: District of Vanderhoof (File: 2221 Ens Road)
Regional Agrologist Lavonna Liggins – Ministry of Agriculture, Prince George Office

53844d1



AGRICULTURAL LAND COMMISSION FILE 53844

REASONS FOR DECISION OF THE NORTH PANEL

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

Applicants:

**Kenneth Isaac
Darlene Isaac
(the "Applicants")**

Agent:

**Joshua Isaac
(the "Agent")**

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: 015-691-781

The Southwest ¼ of Section 36, Township 2, Range 4, Coast District, Except the most Westerly 25 metres and the most Southerly 25 metres Thereof (the "Property")

[2] The Property is 60.7 ha in area.

[3] The Property has the civic address 2221 Ens Road, Vanderhoof.

[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 one 3.2 ha parcel from the Property (the "Application").

[7] On February 5, 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. Agricultural capability map, ALR context map and satellite imagery

All documentation noted above was disclosed to the Agent in advance of this decision.

[12] The District of Vanderhoof (the "District") resolved to forward the Application with the recommendation that the Application be approved and forwarded to the Agricultural Land Commission for its consideration.



SITE VISIT

- [13] On August 19, 2015, the Panel conducted a walk-around and meeting site visit in accordance with the *Policy Regarding Site Visits in Applications* (the "Site Visit").
- [14] A site visit report was prepared in accordance with the *Policy Regarding Site Visits in Applications* and was provided to the Agent on October 14, 2015 (the "Site Visit Report") and the Agent confirmed it as correct on October 14, 2015.

FINDINGS

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

- [15] 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 improved agricultural capability rating identified on CLI map sheet 92G/13 for the mapping unit encompassing the Property is Class 5; more specifically (7:5T - 3:5D).

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 subclasses associated with this parcel of land are D (undesirable soil structure) and T (topographic limitations).

- [16] The Panel reviewed the CLI ratings and find that the Property has moderate capability for agriculture.

- [17] The Panel noted during the Site Visit that the portion of the Property proposed for subdivision in the south east corner of the Property is small, triangular-shaped, treed and separated from the rest of the Property by a deep ravine. The Panel believes this portion of the Property has limited utility for cultivation in conjunction with the remainder of the Property.



[18] During the Site Visit, the Panel noted that the adjacent parcel to the east of the proposed subdivision is treed. The portion of the Property proposed for subdivision is separated from any other properties by Ens Road.

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

[19] The Applicants and Agent were provided with the opportunity to submit information relevant to s. 4.3, but no comments relevant to s. 4.3 were provided.

[20] The Panel notes that the Applicants are a long-time farming family in the area, and that the Agent is the Applicants' son who contributes to the management of the farm. The Panel believes that succession planning for long-time farming families is a social and cultural issue.

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

[21] The District Official Community Plan ("OCP") identifies the Property as "Agricultural". An amendment to the OCP will be required to change the land designation from Agricultural to Rural if the Application is approved.

[22] The Property is currently zoned as A-1 "Agricultural" and must be rezoned to RR-1 "Rural-Small Holdings if the Application is approved.

Weighing the factors in priority

[23] The portion of the Property proposed for subdivision has no utility for agriculture. The proposed subdivision will have negligible impact on the agricultural operations on the surrounding properties.

[24] 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 social and cultural considerations of succession planning for a long-time family farm are supportive of the decision of the Panel, following its review of the agricultural considerations.

DECISION

[25] For the reasons given above, the Panel approves the Application to subdivide one 3.2 ha parcel from the Property.

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

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

[27] 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.

[28] Panel Chair **Dave Merz** concurs with the decision.

Commissioner **Sandra Busche** concurs with the decision.

Commissioner **Garry Scott** concurs with the decision.

[29] Decision recorded as Resolution #320/2015.

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 #320/2015. The decision is effective upon release.



Colin J. Fry, Chief Tribunal Officer

October 23, 2015

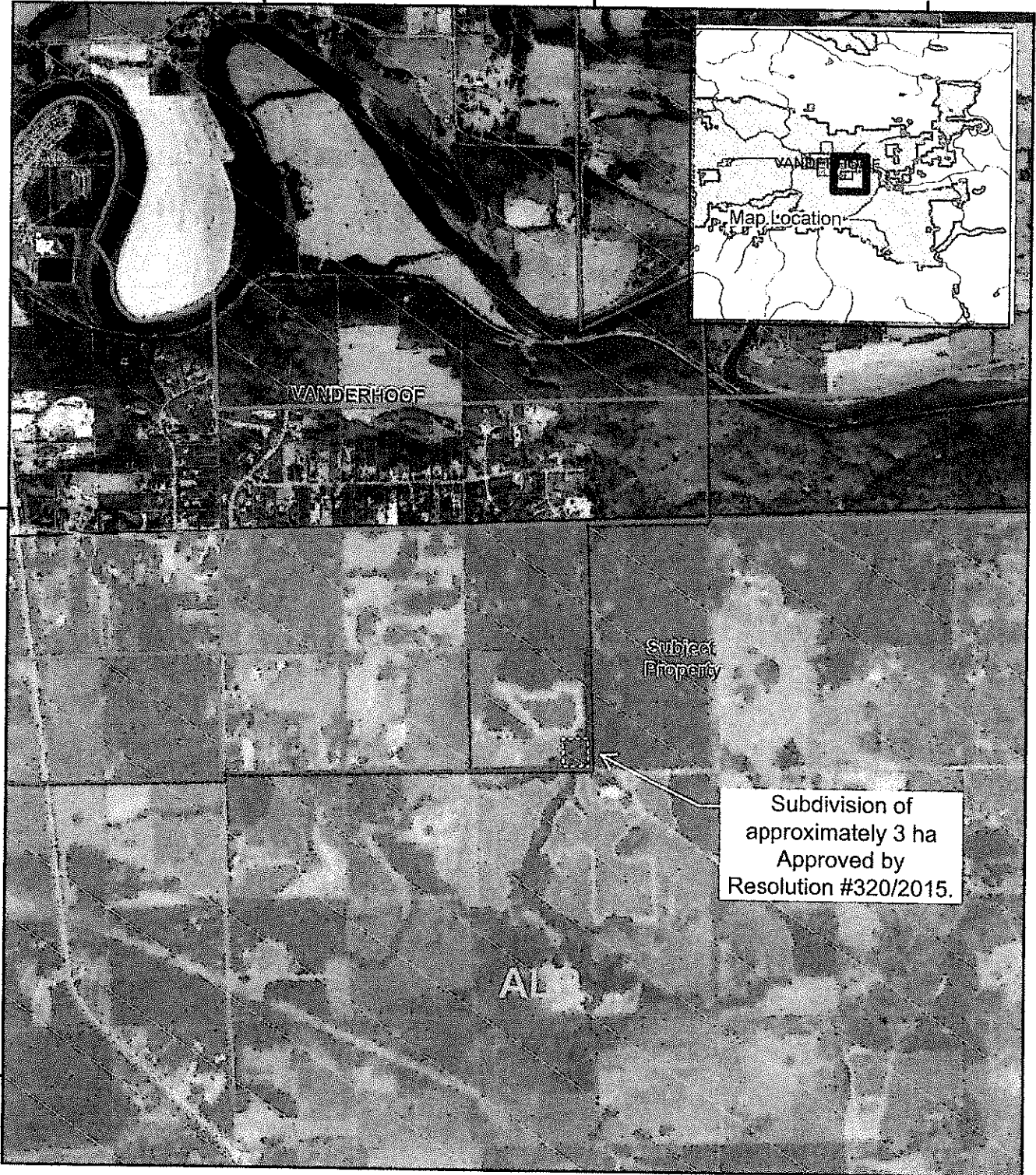
Date Released

ALC application #E 4
(Applicant - Kenneth Isaac)
(Agent - Joshua Isaac)
Resolution #320/2015

123°58'0"W

123°58'0"W

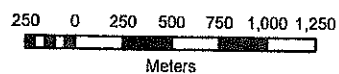
123°54'0"W



Orthophoto Map

2005 Natural Colour - Ortho

Map Scale: 1:35,000



ALC File #: 53844
Mapsheet #: 93G/13
Map Produced: Oct 10, 2014
Regional District: Bulkley-Nechako