



Agricultural Land Commission
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June 3, 2016

ALC File: 54737

Dediluke Land Surveying Inc.
4801 Keith Avenue
Terrace, BC V8G 1K6

Attention: David Hardwicke

Dear Mr. Hardwicke:

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

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #187/2016) as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly. A sketch plan depicting the decision is also attached.

Please send two (2) paper copies or one (1) electronic copy 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.

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 Jess Daniels at (Jessica.Daniels@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Colin J. Fry, Chief Tribunal Officer

Enclosures: Reasons for Decision (Resolution #187/2016)
Sketch plan

cc: Regional District of Kitimat-Stikine

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AGRICULTURAL LAND COMMISSION FILE 54747

REASONS FOR DECISION OF THE NORTH PANEL

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

Applicant: **Long's Logging Inc.**
(the "Applicant")

Agent: **David Hardwicke**
(the "Agent")

Application before the North Regional Panel: **Dave Merz, Panel Chair**
Sandra Busche
Garry Scott

THE APPLICATION

- [1] The legal description of the properties involved in the application are:
- a. Parcel Identifier: 005-439-213
DISTRICT LOT 1115 RANGE 5 COAST DISTRICT EXCEPT PLAN 11665
AND EPP18656

 - b. Parcel Identifier: 028-893-131
LOT A DISTRICT LOTS 1114 AND 1115 RANGE 5 COAST DISTRICT
PLAN EPP18656
(the “Properties”)
- [2] The Properties are 25.8 ha and 38.2 ha in size respectively; of which 18.8 ha and 2.4 ha are in the ALR.
- [3] The Properties are generally described as being located in the North Terrace area, at the intersection of Merkley Road and Dover Road.
- [4] The Properties are located within a designated agricultural land reserve (“ALR”) as defined in s. 1 of the *Agricultural Land Commission Act* (the “ALCA”).
- [5] The Properties are located within Zone 2 as defined in s. 4.2 of the *ALCA*.
- [6] Pursuant to s. 21(2) of the *ALCA*, the Applicant is applying to create 6 parcels ranging in size from 4.5 ha - 6.5 ha in the ALR and two lots of 19.2 and 16 ha outside of the ALR (the “Proposal”). The Proposal along with supporting documentation is collectively (the “Application”).

RELEVANT STATUTORY PROVISIONS

[7] 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.

[8] 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.

[9] 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

[10] 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

[11] The Panel reviewed one previous application involving the Properties:

Application ID: 52166
(Dediluke Land Surveying, 2011)

Proposed boundary adjustment between District Lot 1115 (Pintea), District Lot 1114 Lot B (Thompson), and District Lot 1114, Lot 5 (Webb) so that District Lot 1115 will have frontage on the east side of Merkley Road. Pintea then proposes to subdivide District Lot 1115 into six 4.0 ha to 5.6 ha parcels and one 38.5 ha remainder. The Commission approved the application by Resolution #354/2011.

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

[12] 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 ratings identified on CLI map sheet 103I/10 for the mapping units encompassing the Property are Class 4, Class 5 and Class 7; more specifically 50% 5MD and 50% 7RT.

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

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 7 - land has no capability for soil bound agriculture.

The limiting subclasses associated with this parcel of land are M (moisture deficiency), D (undesirable soil structure), T (topographic limitations), R (bedrock near surface).



[13] The CLI ratings confirm that the ALR components of the Properties have moderate agricultural capability.

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

[14] The Applicant did not provide any information specifically citing economic, cultural and social values.

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

[15] The Properties are not subject to designation in an official community plan.

[16] The Properties are zoned under Greater Terrace Zoning Bylaw No. 37 wherein the minimum lot size is 4 ha; therefore, the Proposal is consistent with zoning.

Weighing the factors in priority

[17] The Panel notes that the Proposal was approved under Commission File 52166 by Resolution #354/2011 and that the Applicant has re-applied for subdivision given the expiration date of the decision.

[18] The Panel does not believe the Proposal will impact existing or potential agricultural use of the Properties or surrounding lands.

[19] The Panel gave consideration to economic, social and cultural values and regional and community planning objectives 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 and application history.

DECISION

[20] For the reasons given above, the Panel approves the Proposal.



[21] The Proposal 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.

[22] 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.

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

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

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

[24] Decision recorded as Resolution #187/2016.

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 #187/2016. The decision is effective upon release.

Colin J. Fry, Chief Tribunal Officer

June 3, 2016

Date Released

