



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

September 2, 2016

ALC File: 54952

Aaron Ford
Box 945 -1780 Bircher Road
McBride, BC V0J 2E0

Dear Mr. Ford:

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

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #326/2016) as it relates to the above noted application.

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.

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, Director of Policy and Planning

Enclosure: Reasons for Decision (Resolution #326/2016)

cc: Regional District of Fraser-Fort George (File: ALR DL3524/NW1/4)

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AGRICULTURAL LAND COMMISSION FILE 54952

REASONS FOR DECISION OF THE NORTH PANEL

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

Applicants:

**Aaron Ford
Amber Hack
(the “Applicants”)**

Agent:

**Aaron Ford
(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: 015-096-629

THE FRACTIONAL NORTH WEST 1/4 OF DISTRICT LOT 3524,
CARIBOO DISTRICT (the "Property")

[2] The Property is 11.4 ha in area.

[3] The Property has the civic address 1780 Bircher Road, McBride, BC.

[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 the Property into two parcels to separate two existing residences. The proposal is to create a 3.07 ha west parcel containing one residence and a 6.70 ha east parcel containing the other residence and farm buildings. Also, 0.74 ha is proposed as road right-of-way (the "Proposal"). The Proposal along with supporting documentation is collectively the application (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. Agricultural capability map, ALR context map and satellite imagery

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

SITE VISIT

[11] The Panel, in the circumstances of the Application, did not consider it necessary to conduct a site visit to the Property based on the evidentiary record associated with the Application.

FINDINGS

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 93H/08 for the mapping units encompassing the Property are Class 3, Class 4 and Class 5; more specifically 85% 6:3D - 4:4WD, 10% 8:3C – 2:5I and 5% 7:3C - 3:5I.

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 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 I (Inundation by streams or lakes, D (undesirable soils structure and/or low permeability), C (adverse climate) and W (excess water).

[13] The CLI ratings confirm that the Property has good agricultural capability.

[14] The Applicants provided the following comments in their Proposal: *“Under the previous corporate ownership, this parcel experienced little agricultural activity and minimal improvement over the past 25 years. As new owners we’ve identified several options for improving agricultural productivity. The best of these involves separating the existing residences. The west house on the property is a rental unit at this time. Subdivision will*

allow the current resident to gain full ownership, encouraging development of small scale agriculture on the parcel in accordance with her expressed desire. The east house will remain a cohesive part of the existing farmyard. Dedicating the road along the south border resolves access for both residences while also providing clear access to all 5 parcels of hayland eastwards to the river”.

[15] The Applicants provided the following comments regarding the support of the Proposal to agriculture: *“Allowing for ownership of the west residence (as opposed to tenancy) encourages development of small scale agricultural activity on that parcel over both the short term and the long term. Examples of expected agricultural activity include market gardening and specialty livestock. The current long-term tenant has expressed interest in these activities”.*

[16] The Panel considered the following comments from the Ministry of Agriculture: *“The proposal refers to an expressed desire by the current tenant to be involved in small scale agriculture however no clear plan or indication of formal commitment to agriculture is included in the proposal; this makes evaluating any potential benefit to agriculture extremely difficult. In the same manner, the proposal refers to “several options” to improve agriculture but does not go into extensive detail. Without additional detail on the planned management of the proposed remainder of the parcel as a “more compact farmyard serving the adjacent hayland” and of the adjacent crop land, the potential benefit to agriculture of this proposal cannot be fully accessed...*

...While this proposal indicates that both proposed parcels would contribute to agriculture, it should be noted that it has generally been found that subdivision in agricultural areas can: erode long term agricultural and economic potential of the parcels, increase land cost per acre which limits farm business opportunities, and in some cases have been shown to increase conflict between adjacent land uses...

...A proposed road which either terminates (dead ends) into active agricultural land and/or takes agricultural land out of production is generally not in the interest of agriculture. It is noted on the aerial image provided, and on other reference material, that clear tracks/roads already exist from the farm yard to the fields east of the subject parcel. It is unclear why

formal access to Bircher Road should extend beyond the farm yard and take land out of an existing field; extending beyond this point to the border of the adjacent parcel could be interpreted as a precursor to future subdivision and/or non-farm use of agricultural land”.

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

[17] The Applicants provided the following comments relative to economic, cultural and social values: *“There are multiple economic, cultural and social benefits to this proposal. Many farms in the region are larger parcels and several have been sold to organizations that have no interest in the local community. The farm yard and outbuildings are abandoned, and the land is simply used for hunting. By allowing this subdivision, the supply of affordable smaller farm parcels is increased. These smaller parcel sizes are more in line with the economic realities of the local community, enhancing the ability to farm for those unable to afford large parcels. The smaller parcel sizes are also appropriate considering their proximity to the village of McBride. Finally, the small parcel sizes allow more farmers to farm the same land. This enhances community involvement in organizations like the Farmers Institute and local initiatives such as farmers’ markets”.*

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

[18] The Property is designated Agriculture/Resource (Ag/Res) by the Robson Valley-Canoe Downstream Official Community Plan (the “OCP”) wherein the minimum parcel size is 60 ha; therefore, the Proposal is not consistent with the OCP.

[19] The Property is zoned Rural 5 (Ru5) by Zoning Bylaw No. 2892 wherein the minimum parcel size is 60 ha; therefore a zoning amendment would be required.

Weighing the factors in priority

[20] In considering s. 4.3(a) and the first priority to agriculture, the Panel does not support the subdivision of Property into smaller parcels as the Commission has found that this often reduces the types of agriculture that can occur on a property. Further, the Panel concurs

with comments submitted by the Ministry of Agriculture in that the Proposal lacks a clear commitment to agriculture. Thus, the Panel finds that the Proposal is not supportive to agriculture.

[21] The Panel gave consideration to economic, social and cultural values as required by s. 4.3(b). 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.

[22] The Panel gave consideration to regional and community planning objectives planning as required by s. 4.3(c) and found that the Proposal is not consistent with the OCP or zoning.

DECISION

[23] For the reasons given above, the Panel refuses the Proposal.

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

[25] Decision recorded as Resolution #326/2016.

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 #326/2016. The decision is effective upon release.



Colin J. Fry, Director of Policy and Planning

September 2, 2016

Date Released