



July 25, 2016

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
ALC File: 55028

Tryon Land Surveying
10201 17th Street
Dawson Creek, BC V1G 4C3

Attention: Kathleen Lush

Dear Ms. Lush:

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

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #279/2016) as it relates to the above noted application. A sketch plan depicting the decision is also attached. As agent, it is your responsibility to notify your client accordingly.

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, Director of Policy and Planning

Enclosures: Reasons for Decision (Resolution #279/2016)
Sketch plan

cc: Peace River Regional District (File: 051/2016)

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AGRICULTURAL LAND COMMISSION FILE 55028

REASONS FOR DECISION OF THE NORTH PANEL

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

Applicant:

**Lila Andersen
(the “Applicant”)**

Agent:

**Kathleen Lush
Tryon Land Surveying
(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: 004-955-366

THE SOUTH WEST 1/4 OF SECTION 24, TOWNSHIP 78, RANGE 15, WEST OF
THE 6TH MERIDIAN, PEACE RIVER DISTRICT (the “Property”)
(the “Property”)

[2] The Property is 64.7 ha in area.

[3] The Property is generally described as being located northeast of the City of Dawson Creek.

[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 Applicant is applying to subdivide a homesite parcel of approximately a 2.8 ha and sell the remainder parcel to the adjacent property owner to be consolidated into one parcel of ~126.6 ha (the “Proposal”). The Proposal along with supporting documentation are 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. 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 rating identified on CLI map sheet 93P/16 for the mapping unit encompassing the Property is 100% Class (2C).

Class 2 - land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in management.

The limiting subclass associated with the Property is C (adverse climate).

[13] The Panel reviewed the CLI rating and finds that the Property has excellent agricultural capability.

[14] The Applicant provided the following information regarding the Proposal: "*The remainder of the ¼ would be sold to an adjacent farmer to the south who would consolidate the 2 properties to create a single agricultural property of 126.6 ha... The subdivision would allow the land owner to retain their home while selling the majority of the property. The subsequent consolidation with the NW 1/4 Section 13 would facilitate agricultural operations...*

... Currently, the 2 properties are farmed separately with a tree line between them. This proposal would lead to the removal of the treeline and fence for farming of the larger property and thus more efficient use of the land for agricultural purposes."

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

[15] 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

[16] The Property is designated “Agriculture” in the South Peace Fringe Area Official Community Plan (“OCP”) Bylaw No. 2048, (2012) wherein the minimum parcel size is 63 ha. Peace River Regional District (the “PRRD”) Staff provided the following comment: *Section 5 Policy 5.1.2(c) v. “should have a minimum parcel size of 63ha (155 acres) unless:*

- *“the subdivision is being made for the purpose of providing residence to the landowner, or a relative of the landowner, the subdivision is limited to not more than one lot per parent parcel, such a subdivision may be approved on a one time only basis per parent parcel, subdivision or land use proposals will be examined and considered in areas designated Agriculture, subject to the factors as set out in this document...*

... Based on these policy directions, the application is consistent with the OCP”.

[17] The Property is designated as A-2 (Large Agricultural Holdings Zone) within the PRRD Zoning Bylaw No. 1343, (2001) wherein the minimum parcel size is 63 ha. PRRD Staff provided the following comment: *“The proposed subdivision does not meet current zoning regulations, however should the proposal meet the requirements for subdivision under Section 514 of the Local Government Act, a zoning amendment would not be necessary.*

Weighing the factors in priority

[18] The Panel notes that the Property has excellent agricultural capability and that the Proposal is supportive of continued agricultural use through the consolidation of the proposed remainder with an adjacent property. For these reasons, the Panel believes that the Proposal does not negatively impact agriculture.



[19] 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

[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 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 #279/2016.

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 #279/2016. The decision is effective upon release.



A handwritten signature in black ink, appearing to be the initials 'CJF'.

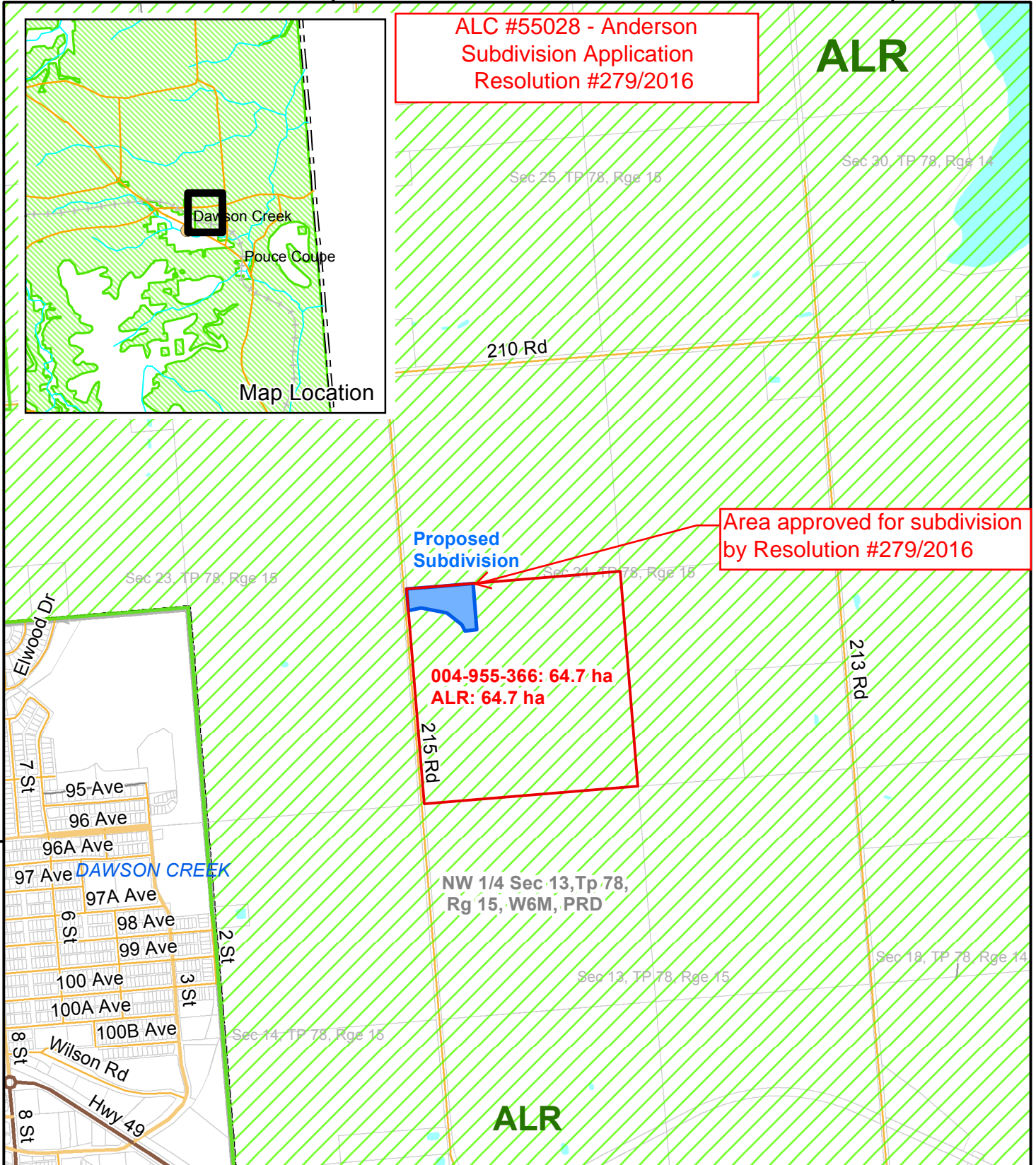
Colin J. Fry, Director of Policy and Planning

July 25, 2016

Date Released

120°12'0"W

120°10'0"W



**ALC #55028 - Anderson
Subdivision Application
Resolution #279/2016**

ALR

**Area approved for subdivision
by Resolution #279/2016**

**Proposed
Subdivision**

**004-955-366: 64.7 ha
ALR: 64.7 ha**

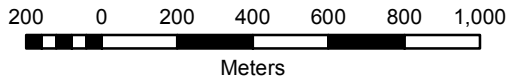
**NW 1/4 Sec 13, Tp 78,
Rg 15, W6M, PRD**

ALR



ALR Context Map

Map Scale: 1:20,000



ALC File #:	55028
Mapsheet #:	93P.080
Map Produced:	June 27, 2016
Regional District:	Peace River