



Agricultural Land Commission
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www.alc.gov.bc.ca

February 27, 2017

ALC File: 55842

Earmme & Associates
10107 – 101 Avenue
Fort St. John, BC V1J 2B4

Attention: Jared Giesbrecht

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

Please find attached the Reasons for Decision of the North Panel (Resolution #40/2017) 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 the applicant accordingly.

Reconsideration of a Decision as Directed by the ALC Chair

Please note that pursuant to [s. 33.1 of the *Agricultural Land Commission Act*](#), the Chair may direct the executive committee to reconsider any 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 s. 6, or does not adequately take into consideration s. 4.3.

You will be notified in writing if the Executive Committee is directed to reconsider your decision. The Commission advises you to take this 60 day period into consideration prior to proceeding with any actions upon this decision.

Reconsideration of a Decision by an Affected Person

We draw your attention 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.

For further clarity, s. 33.1 and s. 33(1) are separate and independent sections of the *Agricultural Land Commission Act*.

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

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read 'Ron Wallace', written in a cursive style.

Ron Wallace, Land Use Planner

Enclosures: Reasons for Decision (Resolution #40/2017)
Sketch plan

cc: Local Government (File: 233/2016)

55842d1



AGRICULTURAL LAND COMMISSION FILE 55842

REASONS FOR DECISION OF THE NORTH PANEL

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

Applicant:

**Karlene Duncan
(the “Applicant”)**

Agent:

**Earmme & Associates
(the “Agent”)**

Application before the North Regional Panel:

**Dave Merz, Panel Chair
Sandra Busche
Ross Ravelli**

THE APPLICATION

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

a. Parcel Identifier: 005-835-704

Lot 4 Section 20 Township 84 Range 19 West of the 6th Meridian, Peace River District, Plan 29079

b. Parcel Identifier: 005-835-763

Lot 5 Section 20 Township 84 Range 19 West of the 6th Meridian, Peace River District, Plan 29079

(the “Properties”)

[2] Lot 4 (noted above) is 2.7 ha (with 1.4 ha lying within the ALR) and Lot 5 (noted above) is 2.0 ha. (with 1.0 ha lying within the ALR)

[3] The Properties have the civic addresses: Lot 4 – 13385 Sunnyside Drive, Charlie Lake, BC
Lot 5 – 13379 Sunnyside Drive, Charlie Lake, BC

[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 Applicants are applying to move the interior parcel line between the Properties to create a ± 2.1 ha lot and a ± 2.6 ha lot (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 Agricultural Land Commission (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



[11] At its meeting of November 24, 2016 the Peace River Regional District Board authorized the application to proceed to the Commission as the Proposal meets the minimum parcel size in both the OCP and Zoning Bylaws.

Pursuant to the North Peace Fringe Area OCP Bylaw No. 1870, 2009, the Properties are designated 'Medium Density Rural Residential' wherein the minimum parcel size of 1.6 ha for lands not connected to a community sewage system.

As the parcel realignment proposal does not create both parcels to be under the minimum parcel size of 1.6 ha, this application is therefore consistent with the OCP.

SITE VISIT

[12] 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

[13] 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 for the ALR portion of the Properties identified on CLI map sheet 94A/07 for the mapping units encompassing the Properties are Class 3T.

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.

The limiting subclasses associated with this land T (topographic limitations).

[14] The Panel reviewed the CLI rating and noted that while the ALR portions of the Properties have good agricultural capability, they are small rural residential lots located in a rural



residential area along Sunny Side Drive adjacent to Charlie Lake to the west. As noted above, the western half of the Properties lie outside of the ALR.

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

[15] The Applicants 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 Properties are designated as 'Medium Density Rural Residential' within the PRRD North Fridge Area (NPFA) OCP Bylaw No. 1879, 2009. The Properties are being used for rural residential purposes.

[17] The Properties are zoned R-4 (Residential 4 Zone) within the Peace River Regional District Zoning Bylaw No. 1343, 2001 with a minimum parcel size of 1.8 ha. The Panel notes the proposed boundary line adjustment is consistent with this zone.

Weighing the factors in priority

[18] In considering s. 4.3 (a) and the first priority to agriculture, the Panel notes that while the Properties have good agricultural capability, they are small rural residential lots located in a rural residential area along Sunny Side Drive adjacent to Charlie Lake to the west; and the western half of the Properties lie outside of the ALR.

[19] In considering s. 4.3 (c), the Panel notes that the proposed boundary line adjustment is consistent with both the NPFA OCP Bylaw No. 1879, 2009 designation ('Medium Density Rural Residential') and with the zoning, R-4 (Residential 4 Zone).

DECISION



[20] For the reasons given above, the Panel approved the Proposal to move the interior parcel line between the Properties to create a ±2.1 ha lot and a ±2.6 ha lot.

[21] The Proposal is approved subject to the following conditions:

- a. the subdivision be in substantial compliance with the plan submitted with the Application;
- b. submission of two (2) paper copies or one (1) electronic copy of the final survey plan to the Commission;

[22] When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the subdivision plan.

[23] 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.

[24] These are the unanimous reasons of the North Panel of the Agricultural Land Commission.

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

[26] This decision is recorded as Resolution #40/2017 and is released on February 27, 2017.

CERTIFICATION OF DECISION

A handwritten signature in black ink, appearing to read 'D. Merz', is written over a horizontal line.

Dave Merz, Panel Chair, on behalf of the North Panel

END OF DOCUMENT

Agricultural

LOT A
PLAN 29663

Application # 55842
Karlene Duncan
Boundary Line Adjustment (Subdivision)
Resolution #40/2017

PLAN 29663

W6M

Tp 84

R 19

W6M

Land

Approved
boundary line
adjustment

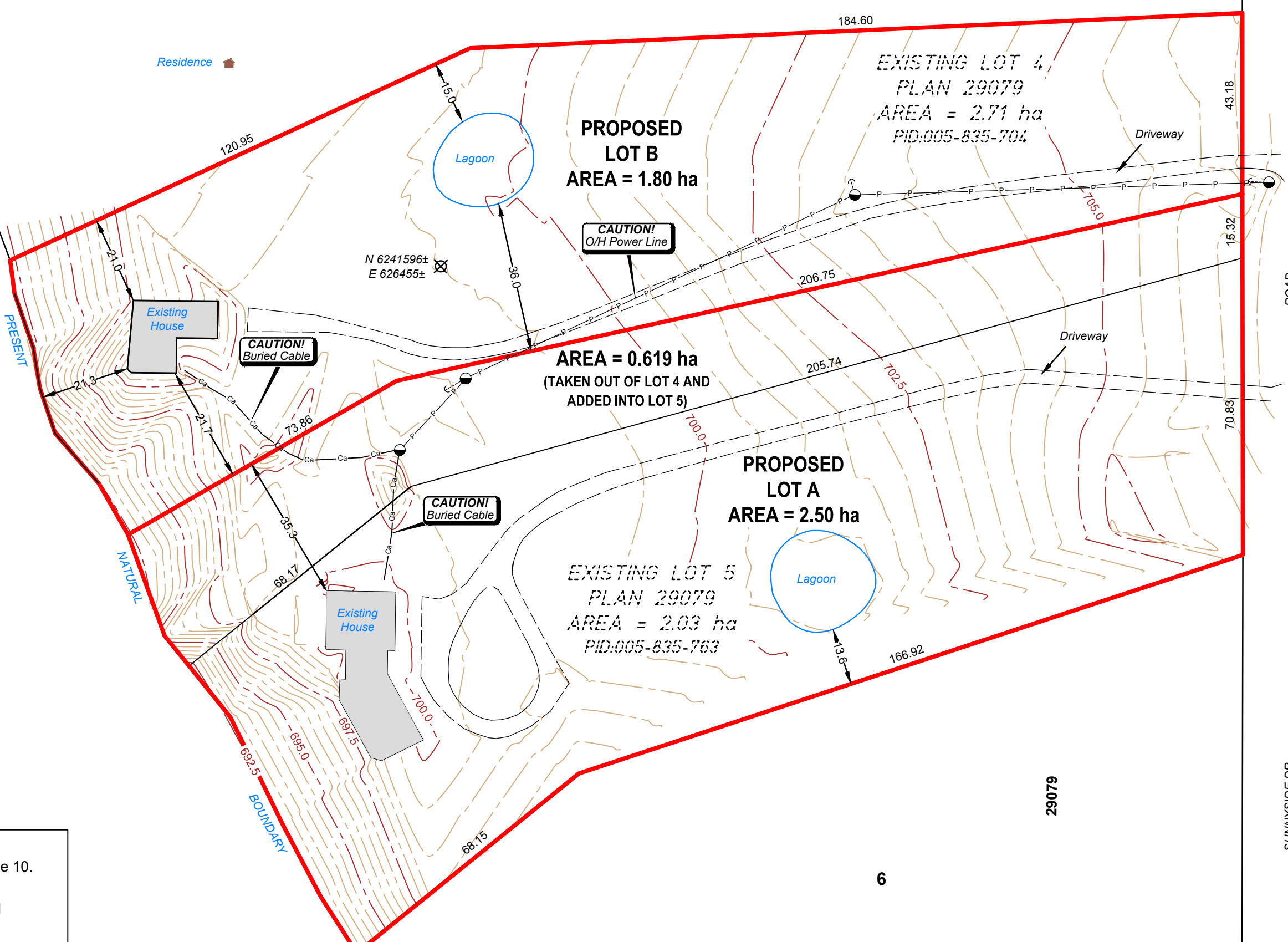
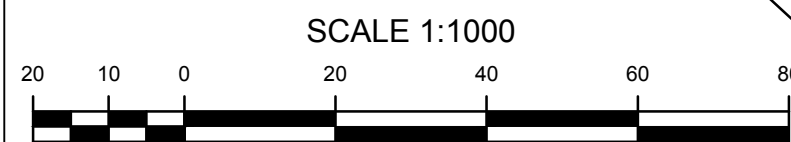
PARCEL B
(N41836)
OF THE NW 1/4
OF Sec 21

CHARLIE LAKE

Reserve

NOTES:
All coordinates shown are NAD 83 (CSRS) UTM Zone 10.
All dimensions are in metres and decimals thereof.
The proposed disturbances fall within the Agricultural
Land Reserve.
The proposed amalgamation is pursuant under
Section 99.1(d) of the Land Title Act.

- LEGEND:**
- Ca—Ca—Ca— Buried Cable
 - Seismic Line
 - P—P—P— Overhead Powerline
 - Tenure Road
 - Proposed New Lot Boundary
 - Existing Lot Boundary
 - Major Contour
 - Power Pole
 - ↓ Anchor



0	Original Plan Prepared	02/06/16	FC	EYH
REV.	REVISIONS	DD/MM/YY	PC	CAD

**SKETCH PLAN SHOWING PROPOSED AMALGAMATION
OF LOT 4 AND 5 Sec 20 Tp 84 R 19 W6M PLAN 29079
PRIVATE LAND,
PEACE RIVER DISTRICT**

FILE:	AFE:	BCGS: 94A . 036	REVISION
		SHEET: 1 OF 1 JOB No.: 311124242 DRAWING: J24242SK1	0

McElhanney Geomatics
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