

COMMENTS RECEIVED FROM MUNICIPALITIES AND PROVINCIAL AGENCIES

PRRD GIS

No concerns.

Charlie Lake Fire Department

Interests unaffected.

Ministry of Agriculture and Food

See attached letter.

Ministry of Transportation and Infrastructure

Interests unaffected.

BC Hydro

BC Hydro has no objection in principle to the proposed development.

Pacific Northern Gas

No concerns.

Agricultural Land Commission

ALC staff reviewed the 2021 OCP and commented, in a letter dated September 8, 2021, that “The Rural Residential designation, as previously mentioned, has been amended from High, Medium and Low Density to Rural Residential and Community Residential. Generally, ALC staff have no objection to this recognizing that the Commission previously supported residential development/subdivision of such lands.” ALC staff didn’t object to the designation change from LDR to RR because it didn’t contradict what was endorsed in 2009 (ie. it didn’t set a lot size that was smaller than what was endorsed).

Subdividing these properties would require an application to the ALC. If a subdivision application is submitted, it may be that the Panel decides that it is amenable to lot sizes smaller than 4 ha, but there is no guarantee that they will, as 4 ha is what was endorsed. I expect that the Panel would consider whether reducing from the current 4 ha to 2 ha would affect the feasibility and likelihood that the properties will be farmed.



March 8, 2023

Sent by email

Dear Local Government Planning Staff:

Re: Ministry response for ALC subdivision application referrals

Ministry of Agriculture and Food (Ministry) staff have noted that there has been a marked increase in Agricultural Land Commission (ALC) subdivision applications over the past few years, resulting in increased referral workload for local governments, Ministry and ALC staff.

A recent referral impact review project conducted by the Ministry, which reviewed 148 referrals from 26 local governments over a six-month period, showed that while 80% of ALC subdivision applications were assessed by Ministry staff as “not beneficial to agriculture” local government councils and boards opted to send these applications to the ALC for decision in nearly every instance. While local government decisions to forward these applications to the ALC are contrary to Ministry staff input, 92% of the time ALC decisions are consistent with Ministry staff’s assessment (i.e. applications identified as not beneficial to agriculture are refused).

Given the similar input provided by Ministry staff on most subdivision applications, the limited impact that Ministry referral responses appear to be having on local government decisions on subdivision applications, and current staff workload pressures, the Ministry will be discontinuing parcel-specific review of ALC subdivision applications for a trial period of 6 months. The aim will be to utilize this time to develop alternative outreach and education mechanisms to support land use decisions that benefit agriculture.

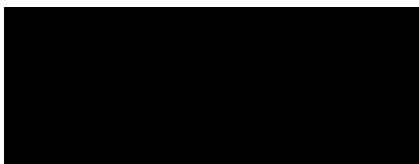
In the absence of a parcel-specific review, we encourage local government planning staff and decision makers to consider the following findings/key messages when reviewing ALC applications for subdivision on the Agricultural Land Reserve (ALR).

- Subdivision in the ALR frequently results in each parcel having diminished agricultural potential and an increase in land cost per hectare due to increased residential and accessory structures. Smaller lots and increased residential structures can also increase conflict between adjacent land uses.
- Ministry data, through Agricultural Land Use Inventories (ALUI), consistently shows that smaller agricultural lots are less likely to be farmed.

- A recent 2022 Kwantlen Polytechnic University [study](#) exploring the impact of non-farm uses and subdivision on agricultural land found that in regions of B.C. reviewed, “30% of all new parcels created as a result of subdivision ceased to have a farm class status”, and “64% of all the parcels had their ownerships transferred within three years after non-farm use and subdivision applications were approved. This percentage becomes higher for subdivided parcels” (Summary Results, p.1-2).
- To advance viable long-term agricultural opportunities on the ALR, Ministry staff encourage ALR landowners to pursue alternative land access and tenure options, other than subdivision, (such as the leasing of portions of the property) as part of a coordinated succession plan. For more information on [B.C.'s Land Matching Program](#), please visit the [Agrarians Foundation](#) organization website.
- The Ministry also provides resources to producers to support successful farm transition, including support through the [B.C. Agri-Business Planning Program](#), as well as succession planning workshops and webinars to familiarize farmers with the steps and practices required for a successful farm transition.
- Ministry staff are available to discuss viable agricultural opportunities with the landowners considering pursuing farming activities on ALR land. For more information or to contact Ministry staff, please visit the Ministry [AgriService BC webpage](#) or email AgriServiceBC@gov.bc.ca.

While the Ministry will not be providing a detailed review and response to this parcel-specific referral, please feel free to reach out to Ministry staff with specific questions or for advice on this referral or land use planning for agriculture in general.

Sincerely,



Mark Raymond
Executive Director
Extension and Support Services Branch
Ministry of Agriculture and Food

October 30, 2023

ALC File: 68747

John Koop
Jakk Enterprises Ltd.

DELIVERED ELECTRONICALLY

Dear John Koop:

Re: Reasons for Decision - ALC Application 68747

Please find attached the Reasons for Decision for the above noted application (Resolution #538/2023). As agent, it is your responsibility to notify the applicant(s) accordingly.

Please note that the submission of a \$150 administrative fee may be required for the administration, processing, preparation, review, execution, filing or registration of documents required as a condition of the attached Decision in accordance with s. 11(2)(b) of the ALR General Regulation.

Under section 33 of the ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. A request to reconsider must now meet the following criteria:

- No previous request by an affected person has been made, and
- The request provides either:
 - Evidence that was not available at the time of the original decision that has become available, and that could not have been available at the time of the original decision had the applicant exercised due diligence, or
 - Evidence that all or part of the original decision was based on evidence that was in error or was false.

The time limit for requesting reconsideration of a decision is one year from the date of the decision's release, as per [ALC Policy P-08: Request for Reconsideration](#).

Please refer to the ALC's [Information Bulletin 08 – Request for Reconsideration](#) for more information.

Please direct further correspondence with respect to this application to
ALC.North@gov.bc.ca

Yours truly,



Martin Collins, Regional Planner

Enclosures: Reasons for Decision (Resolution #538/2023)
 Schedule A: Decision Map

cc: Peace River Regional District (23-003 ALR Sub) Attention: Ashley Murphy

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AGRICULTURAL LAND COMMISSION FILE 68747
REASONS FOR DECISION OF THE CHIEF EXECUTIVE OFFICER

**Subdivision Application Submitted Under s.21(2) of the Agricultural Land
Commission Act**

Applicants: Jakk Enterprises Ltd

Agent: John Koop

Properties:

Property 1:

Parcel Identifier: 027-452-956

Legal Description: Lot 3, Section 24 Township
84 Range 20 W6M Peace River District Plan
BCP35632

Area: 4.1 ha

Property 2:

Parcel Identifier: 027-452-964

Legal Description: Lot 4, Section 24 Township
84 Range 20 W6M Peace River District Plan
BCP35632

Area: 4.1 ha



Chief Executive Officer: Kim Grout
(the "CEO")

OVERVIEW

- [1] The Properties are located within the Agricultural Land Reserve (ALR) as defined in s. 1 of the *Agricultural Land Commission Act (ALCA)*.
- [2] Pursuant to s. 21(2) of the ALCA, the Applicants are applying to the Agricultural Land Commission (the “Commission”) to subdivide the subject properties into four 2 ha lots (the “Proposal”).
- [3] The Proposal along with related documentation from the Applicants, Agent, local government, third parties, and Commission (delete/add to this list as appropriate) is collectively referred to as the “Application”. All documentation in the Application was available to the Agent on the ALC Application Portal in advance of this decision.
- [4] Under Section 27 of the ALCA the Commission, by resolution, may establish criteria under which the CEO may approve applications for exclusion, subdivision, non-farm use, non-adhering residential use, and soil or fill use applications. By resolution, the Commission has specified that the following applications may be decided by the CEO:
2. *Subdivision, non-farm use, non-adhering residential use, and soil or fill use, and exclusion applications that are consistent with a specific planning decision of the Commission made by resolution (e.g.: Peace River- Fort St. John Comprehensive Development Plan). In the case of exclusion*

applications, the CEO may only consider applications submitted to the local government before midnight on September 29, 2020.

[5] The Proposal was considered in the context of the purposes and priorities of the Commission set out in s. 6 of the ALCA:

6 (1) The following are the purposes of the commission:

- (a) to preserve the agricultural land reserve;
- (b) to encourage farming of land within the agricultural land reserve 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 land within the agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.

(2) The commission, to fulfill its purposes under subsection (1), must give priority to protecting and enhancing all of the following in exercising its powers and performing its duties under this Act:

- (a) the size, integrity and continuity of the land base of the agricultural land reserve;
- (b) the use of the agricultural land reserve for farm use.

BACKGROUND

[6] The existing ~4 ha lots were subdivided in 2006 as part of a subdivision proposal that was consistent with the ALC endorsed *"Fort St John and Area Comprehensive Development Plan"* ("The CDP"). The 2002 CDP designated

the area for “Small Agricultural” development, permitting lots as small as 4 ha.

[7] In 2009, the Commission reviewed and endorsed the North Peace Fringe Area Official Community Plan and endorsed, by Resolution #1105/2009 (see file: 36298) the “Tea Creek” area for rural residential purposes. Subsequent subdivision and exclusion applications have been routinely permitted by the ALC in the bylaw area in accordance with the authorization provided by the above resolution.

[8] In June 2022 the Commission endorsed, by Resolution # 79N/2022 the updated North Peace Fringe Area OCP (see file: 46781). There were minor amendments from the 2009 version of the OCP to the areas permitted subdivision/non-farm uses, but the amendments did not affect the subject properties.

FINDINGS

[9] The Commission finds that as the Proposal is consistent with an endorsed Official Community Plan – The *North Peace Fringe Area OCP*. The Commission originally endorsed the 2009 OCP as “consistent” a per Section 46 (with some exceptions) by Resolution #1105/2009, and reconfirmed the OCP in 2022 by Resolution #79/2022. The Properties are designed RR - Rural Residential in the previous/current OCP which permits lots as small as ~2 ha.

DECISION

[10] After reviewing the Application, I am satisfied that the Proposal is consistent with Criterion #2 and approve the Proposal subject to the following condition:

- a. the submission of a surveyed subdivision plan to the Commission, within five years of the date of the release of this decision, that is in compliance with the plan shown Schedule A of this decision;

[11] When the Commission confirms that the survey plan submitted in accordance with the condition above has been received within the prescribed time frame and is in substantial compliance with Schedule A of this decision it will authorize the Registrar of Land Titles to accept registration of the subdivision plan.

[12] 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.

[13] A decision of the CEO is a decision of the Commission pursuant to s. 27(5) of the *ALCA*.

[14] Resolution # 538/2023
Released on October 30, 2023



Executive Officer



Schedule A: Agricultural Land Commission Decision Sketch Plan
 ALC File 68747
 Conditionally Approved
 ALC Resolution #538/2023

Approved site plan

