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File

Agricultural Land Commission
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April 21, 2011

Reply to the attention of Martin Collins
ALC File: 52220

Paul Walter
Samuel Ranch
PO Box 6802
Fort St John, B.C.
V1J 4J2



Dear Sir:

Re: Application for Additional Dwellings in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #162/2011 and a sketch plan outlining the Commission's decision as it relates to the above noted application.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact the Peace River Regional District.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Brian Underhill, Executive Director

Enclosure: Minutes/Sketch Plan

cc: Peace River Regional District File # 154/2010 ✓



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on April 14th, 2011 at Fort St John, B.C.

PRESENT:	Richard Bullock	Chair
	Denise Dowswell	Commissioner
	Jim Collins	Commissioner
	Martin Collins	Staff

For Consideration

Application: 52192
Applicant: Samuel Ranch
Agent: Paul Walter
Proposal: To permit three permanent dwellings on the 245 ha parcel
Legal: PID 006-853-943 Lot 16, Twp 85, R. 18, W6M, PRD, Plan 3986,
Except Plan 18646 and Plan EPP 713
Location: Former I.R. #172. North of Fort St John.

Site Inspection

The Commissioners and staff noted above met with Paul Walter and Arthur Grass on the property and noted that two of the three dwellings were completed and inhabited, and that a third dwelling was more than half complete. A small greenhouse was also under construction.

The applicants confirmed that they received the staff report and no errors or omissions were noted. No information was provided indicating that three families are necessary to use the farm parcel for agriculture.

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. 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.

Discussion

Assessment of Agricultural Capability

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system;

The agricultural capability of the soil affected by the dwellings is 50% 3C and 50% 8:2C 2:3T:

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

The limiting subclasses are a severe climate and topography. The subject property has very good capability for agriculture.

Assessment of Agricultural Suitability

The Commission assessed whether external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external factors that render the land unsuitable for agricultural use. Although there are two adjoining rural residential properties to the east of the three homes, parcel sizes are generally large and farm uses predominate.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission noted that the three large houses alienated 3 - 4 ha of arable land that was formerly cultivated. In addition the Commission does not believe that three dwellings are necessary for farm labour. The Commission was concerned about both the alienation of agricultural land, and the use of this active agricultural property for multiple residences which are not directly related to agriculture.

Assessment of Other Factors

The Commission understands that the applicants also own the adjoining ~130 ha farm parcel to the north (S ½ of Lot 15) and that the two properties are cultivated as a single unit. In addition there is no evidence (as per the airphoto) that there is a residence on Lot 15. The Commission believes that consolidating Lot 15 with the subject property represents a benefit for agriculture which balances the erosive impacts of the three dwellings. Consolidation would ensure that additional dwellings could not be constructed on Lot 15, thereby reducing the overall potential density of dwellings as permitted by the zoning bylaw (two per parcel).

Conclusions

1. That the land under application has very good agricultural capability and is appropriately designated as ALR, and is suitable for agricultural use.
2. That the existing three homes are not necessary for agriculture proposes and have potential to negatively impact agricultural activity.
3. That the proposal is not consistent with the goals of the ALC Act.

IT WAS

MOVED BY: Commissioner R. Bullock
SECONDED BY: Commissioner D. Dowswell

THAT the application for three houses be refused as proposed.

However, the Commission has allowed the three homes subject to the following conditions:

- The consolidation of the subject property, by survey, with the adjoining property (S ½ of Lot 15) to the north.
- the application must be concluded within three (3) years from the date of this decision.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

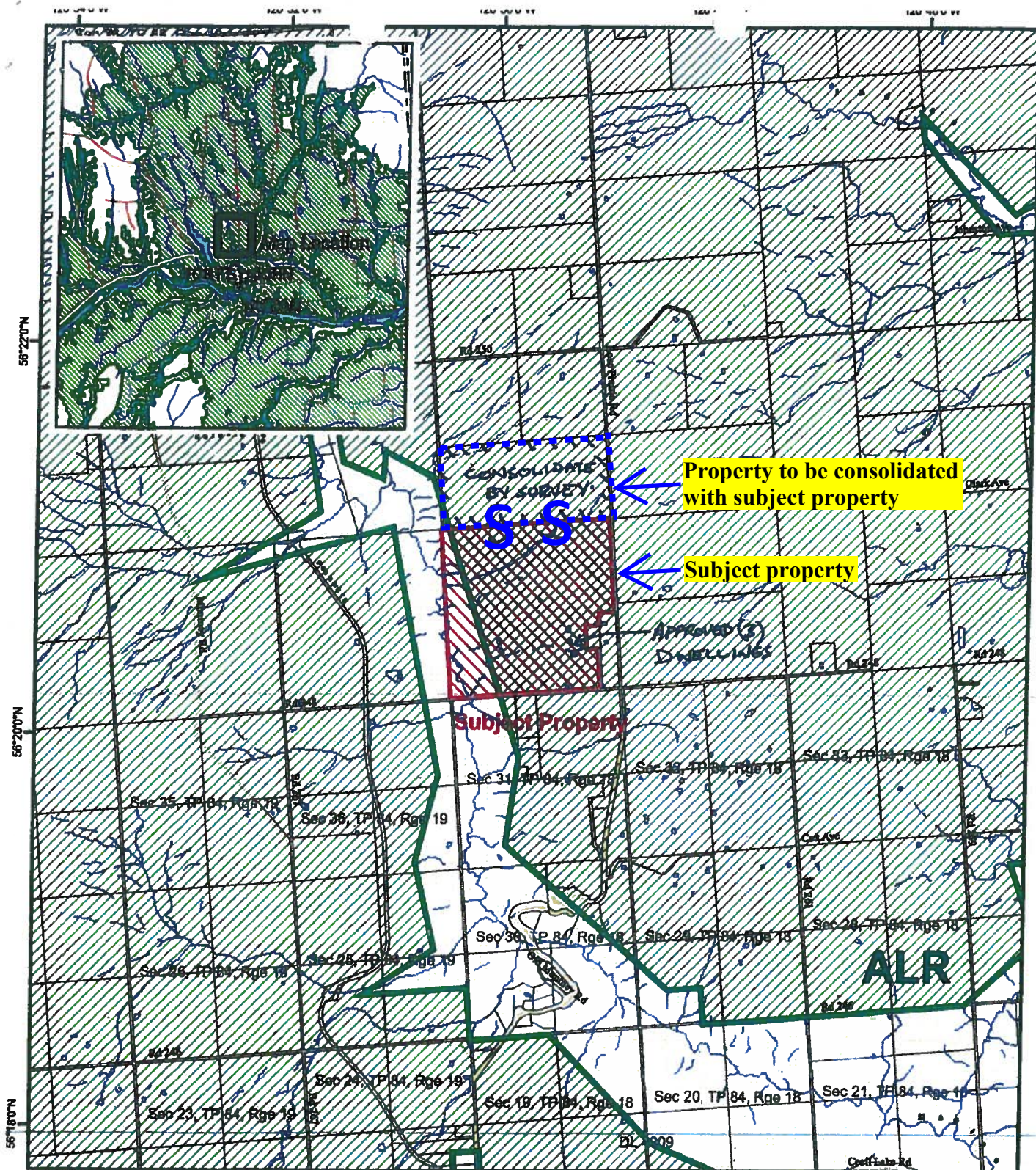
- S.33 (1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that*
- (a) evidence not available at the time of the original decision has become available,*
 - (b) all or part of the original decision was based on evidence that was in error or was false.*
- (2) The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED

Resolution #162/2011



RESOLUTION # 162/2011



ALC Context Map

Map Scale: 1:50,000



ALC File #:	52192
Mapsheet #:	94A.036
Map Produced:	March 7, 2011
Regional District:	Peace River

PEACE RIVER REGIONAL DISTRICT
By-Law No. 1924, 2011

A by-law to amend the "Peace River Regional District
Zoning By-Law No. 1000, 1996."

WHEREAS, the Regional Board of the Peace River Regional District did, pursuant to the Province of British Columbia *Local Government Act*, adopt the "Peace River Regional District Zoning By-Law No. 1000, 1996";

NOW THEREFORE the Regional Board of the Peace River Regional District, in open meeting assembled, enacts as follows:

1. This by-law may be cited for all purposes as "Peace River Regional District Zoning Amendment By-Law No. 1924, 2011."
2. The "Peace River Regional District Zoning By-Law No. 1000, 1996" is hereby amended in the following manner:
 - a) By adding the following to Section 36(2)(b), of the A-2 "Large Agricultural Holdings Zone":

except for;

 - i) Lot 16, Plan 3986, St. John Indian Reserve #172, Township 85, Range 18, W6M, PRD, except Plans 18648 and Plan EPP713, wherein three (3) single detached family dwellings shall be permitted."

READ a FIRST TIME this ____ day of _____, 2011.

READ a SECOND TIME this ____ day of _____, 2011.

Public Notification held on the ____ day of _____, 2011.

READ FOR a THIRD TIME this ____ day of _____, 2011.

ADOPTED this ____ day of _____, 2011.

CERTIFIED a true and correct copy of "Peace River Regional District Zoning Amendment By-law No. 1924, 2011."

Fred Banham,
Chief Administrative Officer

THE CORPORATE SEAL of the Peace River Regional District was hereto affixed in the presence of:

Karen Goodings, Chair

Fred Banham, Chief Administrative Officer