

October 16, 2024

ALC File: 100242

**Jenna Sandy**  
**DELIVERED ELECTRONICALLY**

Dear Jenna Sandy:

**Re: Reasons for Decision - ALC Application 100242**

Please find attached the Reasons for Decision of the North Panel for the above noted application (Resolution #667/2024). As the primary contact, it is your responsibility to notify the applicants accordingly.

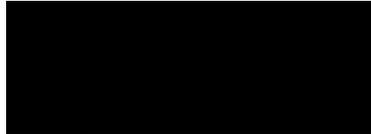
Under section 33 of the ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. A request to reconsider must now meet the following criteria:

- 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,



Leticia Sturlini, Land Use Planner

Enclosure: Reasons for Decision (Resolution #667/2024)

cc: Regional District of Fraser Fort George (File ALR 811/C).  
Attention: Daniel Burke

100242d1



**AGRICULTURAL LAND COMMISSION FILE 100242**

**REASONS FOR DECISION OF THE NORTH PANEL**

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

**Applicants:**

Cindy Sandy

Garth Sandy

**Agent:**

Jenna Sandy

**Property:**

Parcel Identifier: 023-296-399

Legal Description: Block C District Lot 811

Cariboo District Except Plan Epp2872

Civic: 8725 Shelley Road East, Shelley, BC

Area: 98.3 ha (entirely within the ALR)

**Panel:**

Janice Tapp, North Panel Chair

Karen McKean

## **OVERVIEW**

- [1] The Property is located within the Agricultural Land Reserve (“ALR”) as defined in s. 1 of the *Agricultural Land Commission Act* (“ALCA”).
- [2] The Applicants are applying to the Agricultural Land Commission (the “Commission” or “ALC”) under s. 21(2) of the ALCA to subdivide two 9.4 ha lots from the 98.3 ha Property (the “Proposal”).
- [3] 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.

### **EVIDENTIARY RECORD**

[4] The Proposal, along with related documentation from the Applicants, Primary Contact, local government, third parties, and Commission is collectively referred to as the “Application”. All documentation in the Application was disclosed to the Primary Contact in advance of this decision.

### **BACKGROUND**

[5] In 1990, Application 23070 to include 582.6 ha in the ALR (twelve different applications, including the parent property) was approved by Order in Council #199/90. The lands were designated as part of the Agricultural Land Reserve of the Regional District of Fraser-Fort George by Certificate of Order #587/89. The application reads: “The Ministry of Crown Lands has determined that the highest and best use of these properties is agriculture”.

[6] The Applicants purchased the Property on April 15, 2003.

[7] In 2007, Application 37659 was submitted to the Commission to subdivide one 15-ha lot from the 112.9-ha parent property for agricultural use by a family member. By Resolution #825/07, the Regional District of Fraser-Fort

George (RDFFG), under a delegation agreement, approved the subdivision. The current (registered) boundaries of the approved 15-ha lot differ from what is shown on the decision map of Resolution #825/07, which may be the reason for the inconsistency in the Property's stated area (97.9 ha following Application 37659 versus the current 98.9 ha).

- [8] Pursuant to Willow River-Upper Fraser Official Community Plan Bylaw No. 1589, the Property is designated Agriculture/Resource (AG/RES), where fragmentation by subdivision is discouraged.
- [9] Pursuant to Zoning Bylaw No. 2892, the Property is zoned Rural 3 (Ru3), which has a minimum permitted lot size of 60 ha and therefore the Proposal is not consistent with the Zoning Bylaw.

### **ANALYSIS AND FINDINGS**

- [10] The Applicants submit that the purpose of the Proposal is to convey the two proposed 9.4 ha lots to their children and their spouses for them to build homes and support the maintenance of the Property, potentially leading to the diversification of agricultural activities.
- [11] The Property is bisected by Shelley Road East as it runs east-west on the northern portion of the Property. Additionally, a ~180 m wide SRW runs north-south on the western side of the Property. The proposed subdivision configuration was chosen to align with Shelley Road East, which separates

the two proposed lots from the 79.4 ha remainder.

[12] The Property has a 125 m<sup>2</sup> principal residence and a 65 m<sup>2</sup> barn, and the Applicants submit that 60% of the Property is currently in hay production.

[13] To assess agricultural capability on the Property, the Panel referred to agricultural capability ratings. The ratings are identified using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system. The agricultural capability ratings applicable to the Property are Class 5 and Class 4, more specifically 80% of Class 5 with the limitations of topography (T) and undesirable soil structure (D) and 20% of Class 4 with the limitations of undesirable soil structure (D).

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.

[14] The Panel considered the presence of Shelley Road East bisecting the Property and finds that it is not, in itself, a sufficient reason to justify subdivision. Rural roads are common features in agricultural landscapes, and their presence does not automatically hinder farming operations. The

Panel finds that Shelley Road East is not an impediment to farm the Property as a single unit.

[15] The Panel also considered that the proposed new parcels are of a size that is not supported by the Willow River-Upper Fraser OCP or with Zoning Bylaw No. 2892.

[16] Additionally, the Panel finds that the proposed subdivision would contribute to the fragmentation of agricultural land. In the Panel's experience, fragmentation is detrimental to agricultural productivity, as smaller parcels are less likely to be used for farming and are more likely to become hobby farms or rural residential properties. Furthermore, even when these smaller parcels are used as hobby farms, they often lack the scale to be economically viable. In the Panel's experience, the North region, in particular, benefits from parcels that can sustain meaningful agricultural production. Larger parcels are required to overcome regional soil and climate challenges, maximizing the land's potential for agricultural uses.

[17] The Panel also finds it extremely unlikely that the two proposed 9.5 ha parcels would be used for farming as generally a minimum area of 2 ha in the northern regions of the province is required from each parcel for a homesite, and all of its infrastructure, i.e. septic pond, water pond, yard, driveway access and outbuildings. The use of this area represents a permanent and significant loss of potential farmland on these parcels.

[18] Finally, the Panel finds that while the northeastern portion of the property may not be currently utilized for agriculture, this does not preclude its future agricultural use as part of an expanded operation. Also the Panel is unconvinced that the proposed lots would be more likely to be agriculturally developed if subdivided. The amount of land available for potential agriculture after the homesites are developed is too limited to be used for a commercial farm operation. The Panel's experience suggests, that in the long term, it is more likely that the land would be developed for agriculture as part of the existing farm unit than if subdivided.

[19] Therefore, the Panel finds that the Proposal would negatively impact the continuity and integrity of the ALR land, and that it does not encourage the use of the agricultural land for farm use.

## **DECISION**

[20] For the reasons given above, the Panel refuses the Proposal to subdivide two 9.4 ha lots from the 98.3 ha Property.

[21] These are the unanimous reasons of the Panel.

[22] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(3) of the ALCA.

[23] Resolution #667/2024

Released on October 16, 2024



**Janice Tapp, Panel Chair**

On behalf of the North Panel