



**REGIONAL DISTRICT
of Fraser-Fort George**

Applicant's Information Package

for

Subdivision or Non-farm use applications under the *Agricultural Land Commission Act*

pursuant to a delegated agreement between the
Provincial Agricultural Land Commission and the Regional District

What type of application can I make?

How do I make an application?

Are there requirements for notice of my application?

How does the Regional Board make a decision?

Can my application be reconsidered or appealed if it is refused?

Sample sketch

Appendix - Forms for providing notice of application

Regional District of Fraser - Fort George

155 George Street, Prince George, BC V2L 1P8

Toll Free: 1-800-667-1959

Telephone: (250) 960-4400 Fax: (250) 562-8676

www.rdffg.bc.ca

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What type of application is the Regional Board able to make decisions on?

- ◆ Subdivide or use land for non-farm purposes (*Section 20(3) of ALCA*) for ALR lands within the Willow River – Upper Fraser Official Community Plan area
Robson Valley Downstream Official Community Plan area
Salmon River-Lakes Official Community Plan area
Chilako River-Nechako Official Community Plan area
Tabor Lake-Stone Creek (excluding Pineview) Official Community Plan area
The application fee is \$300.00.

An **Application by Land Owner** form is required to be filled out.

How Do I Make An Application?

STEP 1 Plan Your Application

Make an inquiry to the Regional District of Fraser-Fort George to:

- identify local government policies on agricultural land preservation and other regulations and policies relevant to your proposal
- inquire about what additional approvals may be required

Decide if your application is to subdivide **or** use land for non-farm purposes within the ALR (\$300.00 fee)

- obtain the maps of your property required for the application.

STEP 2 Complete Your Application Form

Complete the **Application by Land Owner** following the instructions on the form.

- Refer to the ***“Applicant's Information Package”*** for helpful information, particularly the sample sketch and the factors the Regional Board considers in making its decision.

Ensure required documents are attached:

- Certificate of Title
- Assessment/Tax Notice
- map or sketch showing the details requested on the application form
- agent authorization (if using an agent).

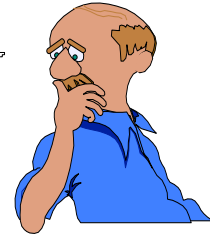
STEP 3 Submit Your Application

Send the completed application, additional documents and fee:

- to the local government office (fee payable to the local government)

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*What happens
next?*



STEP 4 The Regional District Considers Your Application

The Regional District receives your application and:

- ensures your application is complete and all documents are included
- completes a local government report
- may refer your application to various committees and technical agencies
- must refer your application to its Board for recommendations and decisions

The Regional Board decides on your application and advises you in writing of the decision. (A copy is sent to the Land Reserve Commission in Burnaby.)

If your application is successful, other approvals of the local government and other authorities may also be necessary. Approval of the Regional Board for subdivision or non-farm use within the ALR does not imply that other approvals or permits will be granted.

How Does The Regional Board Make A Decision?

This information is to help applicants view their proposals through the eyes of the Regional Board.

What Is the ALR?

The Agricultural Land Reserve can be thought of as a provincial zone in which agriculture is recognized as the priority use. Farming is encouraged and non-agricultural uses are controlled.

The ALR includes private and public lands that may be farmed, forested, or vacant land. Some ALR blocks cover thousands of hectares, while others are small pockets of only a few hectares.

In total, the ALR comprises those lands within the province that have the potential for agricultural production.

The Land Commission has a mandate to maintain a permanent farm land reserve. A guiding principle is that if the Agriculture Land Reserve is to be maintained in the long term, it cannot be endlessly eroded by encroachment of non-farm uses and subdivisions or by deleting land from the ALR.

In making a decision on an application, the Regional Board, as delegated by the Commission, must consider a number of interrelated factors. It reviews the variables that it considers relevant to the application and weighs the likely impact of the proposal against the long-term goal of preserving agricultural land. The Regional Board begins by looking at the specific property and proposal. It then looks at the proposal in relation to surrounding lands, related agricultural concerns, and community planning objectives. Finally, the picture is broadened further to consider the provincial interest.

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THE LAND RESOURCE

In arriving at its decision, the Regional Board considers the agricultural potential of the parcel and the agricultural potential of surrounding lands.

One measure of agricultural potential is the Canada Land Inventory Agricultural Capability rating system, which is based on the range of crops that can be grown. Other parameters of agricultural potential are suitability for specific crops, productivity, and homogeneity or integrity of the farming community, both present and future. (*For further information on the agriculture capability rating system, refer to the attached Agricultural Land Commission's pamphlet entitled "What is Agricultural Land?"*)

RELATED AGRICULTURAL CONCERNS

Will the proposal benefit agriculture?

Is the proposed use supportive of agriculture or in conflict with it?

Will the proposal permanently damage the physical capability of the land for agricultural use?

How do the existing and proposed parcel sizes relate to the type of agriculture in the area?

Are there physical restrictions that significantly interfere with farm use of the property?

What effect or impact would the proposal have on existing or potential agricultural use of surrounding lands?

- Would the proposal create conflicts in terms of noise, dust, odours, trespass, etc.?
- Would the proposal generate demand for urban-type services such as sewer and water?
- Would the proposal necessitate construction of new roads or widening of existing roads?
- Would the proposal raise expectations for similar approvals on surrounding lands?

Does the proposal include any measures to reduce potential impact on surrounding lands?

Can the proposal be modified or should conditions be imposed to reduce potential negative impacts?

AREA CONCERNS

How do surrounding uses and parcel sizes affect use of the property for farm purposes?

Does the proposal meet the regional and community planning objectives for the area? For example, will the proposal require a change to the present zoning or the Official Community Plan?

Given a documented need for the proposal, can it be accommodated outside the ALR?

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Are there land use issues the Regional Board could address to encourage or improve the agricultural use of the land or area?

What are the recommendations of advisory committees and other stakeholders?

Has funding been provided to improve the agricultural infrastructure in the area?

OTHER CONSIDERATIONS

The Regional Board's decisions are oriented towards maintaining a permanent farm land reserve. The following factors, while carefully considered, will not necessarily determine the outcome of an application:

- present use
- local government zoning and land use bylaws
- existing parcel size
- personal circumstances

For instance, a 2-hectare parcel that is not providing a full-time farm income does not, for that reason alone, qualify for non-farm use or subdivision. Similarly, while an applicant may propose to subdivide land to a parcel size permitted by local zoning, the Regional Board may feel that the size restricts agricultural options and, consequently, the long-term preservation of agricultural lands. In other instances, the Regional Board must weigh an applicant's personal circumstances such as estate settlements, desires to subdivide parcels for children and other similar desires against its legislated responsibility to preserve agricultural land.

The Regional Board does not consider current market conditions to be a determining factor in its decisions.

PROVINCIAL INTEREST

Does the proposal comply with the goals of the *Agricultural Land Commission Act*?

*The goal of the Agricultural Land Commission is:
to preserve British Columbia's agricultural lands for present and future use; and
to encourage the establishment and maintenance of B.C.'s farms and farming community.*

Can My Application Be Reconsidered Or Appealed If It Is Refused?

Reconsideration of an Application

A person may request that an application be reconsidered:

- if there is new information not previously considered by the Regional Board, or
- if the decision was based on information that was in error or false.

Any person affected by the decision (i.e., not necessarily the applicant) may request reconsideration of an application.

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A request for reconsideration and the reasons must be made in writing.

The Regional Board, on its own initiative, may also reconsider a decision if there is new information not previously considered or if the information was in error or false.

The Regional Board must notify any person it considers affected by its decision to reconsider an application.

Appeal Provisions

There are no appeal provisions except on a question of law or excess of jurisdiction to the Supreme Court.

The remedies of the *Judicial Review Procedures Act* apply to all applications.

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SAMPLE SKETCH

You must submit a plan or sketch with your application showing specific information. The sketch may be drawn freehand by yourself or drawn by a professional but in either case it must show all of the information requested on the application form.

Show the area under application with all the existing uses, the location of all buildings and the main physical features
Refer to Part 4 & 6 of the application form

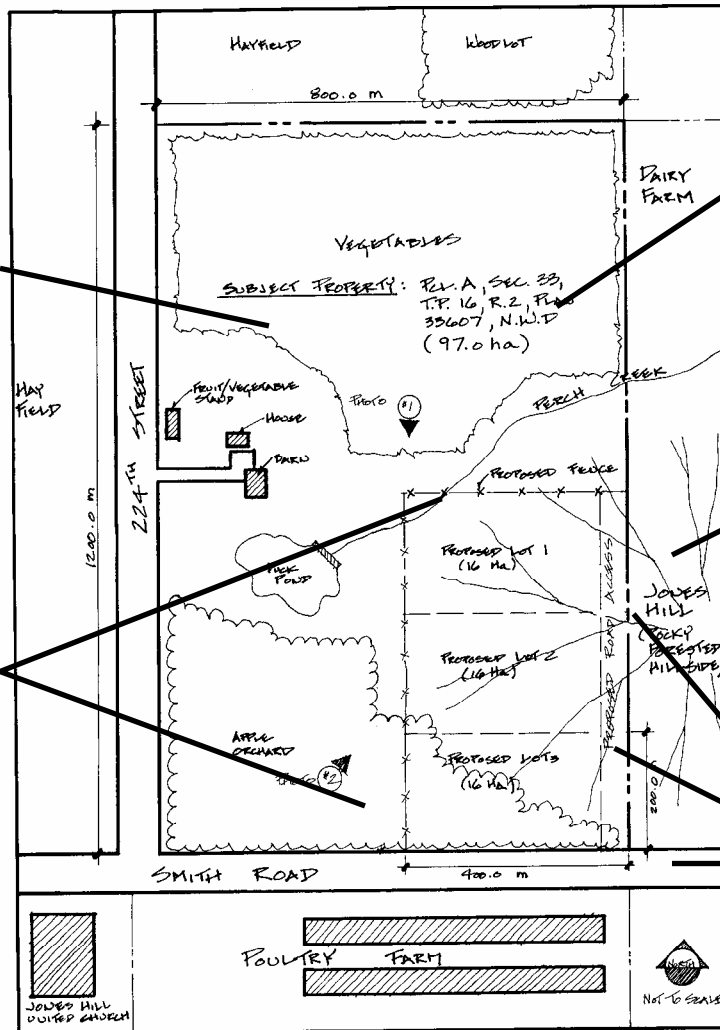
Show the location of the photographs

Indicate the legal description and size of parcel under application
Refer to Part 4 of the application form

Show any measures to reduce impact on agricultural lands (in this instance, fencing the proposed lots from the farm and locating the access road on poorer soils away from the farm activities)

Show the proposal (in this instance subdivision of the property showing the dimensions and size of each lot and the proposed access road)
Refer to Part 8 of the application form

Show the location of buildings and uses on adjacent lands
Refer to Part 7 of the application form



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What is Agricultural Land?

Less than 5% of our province is suitable for farming. Some of the best agricultural lands are in narrow valley bottoms, where they must compete with other uses such as housing, industry, transportation, recreation, and wildlife habitat. Agricultural Land Reserves preserve British Columbia's limited amount of farmland to ensure that we can meet our present and future food needs.

One measure of agricultural potential is the Land Capability Classification System for Agriculture in British Columbia. Where this mapping is not available, the Commission will use the Canada Land Inventory (CLI) mapping. Both systems identify land according to its potential and limitations for agriculture using a rating system of Class 1 to 7.

The classification systems are based on climate and soil characteristics as well as on consideration of topography, drainage, and other landscape characteristics, but are not based on the current use of the land.

The best agricultural lands are rated Class 1 because they have the ideal climate and soil to allow a farmer to grow the widest range of crops. Class 7 is considered non-arable, with no potential for soil bound agriculture. As the class numbers increase from Class 1 to Class 7, the range of crops decreases. Associated with each class is a subclass that describes limitations such as topography, stoniness, soil moisture deficiency, low fertility, etc.

However, the ratings give no indication of the yield of individual crops. For example, for a particular crop, some Class 4 lands may produce higher yields than Class 3 or 2 but the range of crops for Class 4 is narrower than for Class 3 or 2. Similarly, a higher-numbered class does not necessarily mean lower quality agricultural land. Some of these lands are highly suitable for specialty crops. For instance, some blueberry and cranberry lands in Richmond are rated Class 5 but represent unique soils that are highly prized for blueberries and cranberries. The forage lands in west-central British Columbia, which are an integral part of beef farming in that area, are Class 5. In the southern interior, the natural grasslands, unique in North America, are rated as Class 6, but are important to the ranching industry.

Thus, the Commission looks not only at the agriculture capability ratings, but also may take into account factors related to productivity, yield, suitability, etc.

The land capability classification for agriculture has two main components; the capability class and the capability subclass. The *class* identifies potential for agriculture. The *subclass* identifies limitations or special management practices needed to improve the soil.

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AGRICULTURE CAPABILITY CLASSES

- | | |
|----------------|--|
| Class 1 | Land is capable of producing the very widest range of crops. Soil and climate conditions are optimum, resulting in easy management. |
| 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. |
| 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. |
| 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. |
| Class 6 | Land is important in its natural state as grazing land. These lands cannot be cultivated due to soil and/or climate limitations. |
| Class 7 | Land has no capability for soil bound agriculture. |

AGRICULTURE CAPABILITY SUBCLASSES

A & M	soil moisture deficiency	N	salinity
C	adverse climate	P	stoniness
D	undesirable soil structure	R	shallow soil/bedrock outcroppings
E	erosion	T	topography
F	low fertility	S & X	cumulative and minor adverse characteristics
I	inundation (flooding by streams, etc.)		

The land capability classification usually gives land two ratings: unimproved and improved. *Unimproved* ratings describe the land in its native condition without any improvements to the soil. *Improved* ratings indicate the land's potential once the appropriate management practice identified by the subclass, such as irrigation, stone removal or drainage, has been implemented.