



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604-660-7000
Fax: 604-660-7033
www.alc.gov.bc.ca

March 27, 2007

Reply to the attention of Simone Rivers
ALC File: #W - 36837

Patricia Currie
PO Box 104
Cowan, MB R0L 0L0

Dear Ms. Currie:

Re: Request for Reconsideration

This is further to your letter of January 23, 2007 in which you asked the Provincial Agricultural Land Commission to reconsider Resolution #532/2006.

The Commission has reconsidered the matter and has attached the Minutes of Resolution #56/2007 outlining its latest decision.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Peace River Regional District (#107/2006)

Enclosure: Minutes

SBR/lv
36837d2



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on February 22, 2007 at Fort St. John, B.C.

PRESENT:	Frank Read	Chair, North Panel
	John Kendrew	Commissioner
	William Norton	Commissioner
	Martin Collins	Staff
	Brian Underhill	Staff

For Consideration

Application: # W- 36837
Applicant: Patricia Currie
Proposal: To reconsider Resolution # 532/2006 and allow the applicant to subdivide the 195 ha and 198 ha properties into three 65 ha lots and two 99 ha lots.
Legal: 1. PID: 015-575-934
District Lot 1759, Peace River District
2. PID: 014-783-118
District Lot 1758, Peace River District
Location: 3790 Jackfish Lake Road, 6km (22 miles) north of Chetwynd and 8km (5 miles) west of Pine River

Site Inspection

A site inspection was conducted on October 19, 2006. A second site inspection was not conducted.

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.

The Act provides processes for landowners, local governments and First Nations to apply to the Commission to remove land from or to include land into the ALR or to subdivide or use land in the ALR for non-farm purposes.

Discussion

The Commission considered the request for reconsideration received from Patricia Currie in the context of section 33 of the Agricultural Land Commission Act which states that:

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...

Assessment of Agricultural Capability

The Commission recalled its visit to the property in October 2006. It believes that land on Jackfish Lake road has good grazing potential. It also notes that large parcels are needed in order for grazing to occur. The Commission believes that the potential of the land for agricultural use would be significantly impacted were the properties to be subdivided.

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. The Commission notes that minimum parcel size designations are put on land by the Regional District Bylaws and that these designations do not compel the Commission to subdivide land to these sizes. The Commission does believe that subdivision of the subject properties to the minimum parcel size allowed by the Regional District Zoning Bylaw would decrease suitability of the subject properties for agricultural use.

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 believes the proposal would impact existing or potential agricultural use of the subject properties. The Commission notes that the applicant owns two properties and that a reconfiguration of the boundaries of the subject properties would be consistent with the Act and Regulations. It further notes that should an adjacent land owner wish to purchase a portion of one of the applicant's lots to add it to their holdings that this is also supported by the Regulations.

Assessment of Other Factors

The Commission's mandate is to preserve agricultural land. The preservation of agricultural land involves more than designating the land as ALR. The Commission is aware that the applicant does not want to exclude land from the ALR, however it also believes that subdivision can have an equally negative impact on the agricultural potential as exclusion in that it erodes the land base, creates small parcels and decreases the likelihood that the land will be used for agriculture in the long term.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will impact agriculture.
4. The adjustment of the property boundaries as provided for by BC Regulation 171/2002 would not significantly impact agriculture as no additional properties would be created.

IT WAS

MOVED BY: Commissioner Kendrew

SECONDED BY: Commissioner Norton

THAT no parties are affected by the reconsideration.

AND THAT Resolution # 532/2006 be reconfirmed.

AND THAT the Commission would consider a boundary adjustment as permitted by Part 5 of B.C. Regulation 171/2002, the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*

CARRIED

Resolution # 56/2007