



Agricultural Land Commission
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March 25, 2009

Reply to the attention of Simone Rivers
ALC File: W-38715

Daniel and Anne Loiselle
2532 Parkcrest Ave
Kamloops, BC V2B4Y5


Dear Mr and Mrs. Loiselle:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 61/2009 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

Enclosure: Minutes/

cc: Peace River Regional District (220/2008)

SBR/
i/38715d1



A meeting was held by the Provincial Agricultural Land Commission on March 11, 2009 at Fort St. John, B.C.

PRESENT:	William Norton	Chair, North Panel
	Denise Dowswell	Commissioner
	Simone Rivers	Staff
	Brian Underhill	Staff

For Consideration

Application: # W- 38715
 Applicant: Daniel and Anne Loiselle
 Proposal: To subdivide the property as divided by the railway tracks
 Legal: PID: 010-139-290
 The South East 1/4 of Section 27, Township 78, Range 16, W6M, Peace River District, EXCEPT Plans A2036 and 32059
 Location: West of Dawson Creek, north of Highway 97

Site Inspection

A site inspection was conducted on March 11, 2009. Those in attendance were:

- William Norton Chair, North Panel
- Denise Dowswell Commissioner
- Simone Rivers Staff
- Brian Underhill Staff
- Danny Loiselle Applicant

The Commission followed the applicant to the property. It noted that the property was treed but was being used to pasture horses. The Commission noted the railway tracks that split the property but further noted that there was road access to both portions of the property. The Commission noted that adjacent properties had been cleared and improved for agricultural use.

Mr. Loiselle confirmed that the staff report dated February 9, 2009 was received and no errors were identified.

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

The agricultural capability of the soil of the subject property is Class 4X and Class 5C. Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

Subclasses: C-adverse climate X-cumulative and minor adverse

The Commission believes that the property has agricultural capability and is correctly designated as ALR.

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 subject property is located off of the main highway in an area of predominantly large, quarter section sized holdings.

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, when it considers applications for subdivision generally takes the view that subdivision is not consistent with long term agricultural activity and productivity. The Commission believes that the subject parcel has more agricultural potential as a single unit and that subdivision would negatively impact the agricultural opportunities available to the subject property in the long-term. In this case the Commission believes that any subdivision of the property will have a negative impact on agriculture.

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. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Dowswell

SECONDED BY: Commissioner Norton

THAT the application be refused

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 and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

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.

CARRIED
Resolution # 61/2009