



Agricultural Land Commission
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June 18th, 2010

Reply to the attention of Simone Rivers
ALC File: #51735

Chad and Rebecca Lenz
PO Box 731
Caroline Alberta
TOM OMO

Dear Sir/Madam:

Re: Application to Subdivide within the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 2461/2010 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Peace River Regional District File: #45/2010

MC/51735d1

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 applicant indicated in a May 19, 2010 e-mail that the increased oil and gas traffic on Lahagarte Road, the awkward shape of the 31 ha portion of the property, and the necessity of an oil lease access road crossing the property make it unsuitable for agriculture.

The Commission does not concur with the applicant's assessment that the 31 ha portion of the property lying south of Lahagarte Road is unsuitable for agricultural uses. The Commission believes that the subdivision of the 31 ha area from the farm remainder represents a substantive loss of productive capacity from the farm unit. Furthermore the Commission does not believe and that traffic is heavy enough as to preclude the use of the 31 ha with the remainder (through the inability of farm equipment to cross the road).

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 was concerned that if subdivision is allowed that there would be increased pressure to continue the subdivision of the 31 ha lot. It is the Commission's experience that smaller parcels are more likely to face subdivision pressure, particularly if they are an awkward shape. The Commission also noted that the area was characterized by large agricultural parcels (1/2 and full sections). It was not prepared to subdivide the subject property and surrounding parcels into lot sizes that are more appropriate for rural residential purposes.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR and is suitable for agricultural use.
2. That the proposal will negatively impact agriculture.
3. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner William Norton
SECONDED BY: Commissioner Jim Collins

THAT the application to subdivide a 31 ha lot from the 259 ha parcel as divided by Lahagarte Road 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. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED
Resolution # 2461/2010