



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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December 13, 2013

ALC File: #53210

Carl Gitscheff  
PO Box 516  
Dawson Creek, BC  
V1G 4H4

Dear Mr. Gitscheff:

**Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)**

Please find attached the Minutes of Resolution #241/2013 as it relates to the above noted application.

The Commission draws your attention to Section 33(1) of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

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.

A revised proposal does not constitute new evidence and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

Further correspondence with respect to this application is to be directed to Gordon Bednard.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #241/2013

cc: Peace River Regional District (File: #32/2013)

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## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on July 16, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53210.

### COMMISSION MEMBERS PRESENT:

Gordon Gillette	Acting Chair
Jennifer Dyson	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

### COMMISSION STAFF PRESENT:

Gordon Bednard      Land Use Planner

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**PROPOSAL** Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*

To subdivide one (1) 6 ha lot from the southeast corner of the 65 ha property for the applicant's son.

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### PROPERTY INFORMATION:

**Owner:** Carl Gitscheff

**Legal:** PID: 005-342-287  
The North East  $\frac{1}{4}$  of Section 18, Township 79, Range 16, West of the 6<sup>th</sup> Meridian, Peace River District

**Location:** Farmington/Bessborough

**Size:** 65 ha

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### LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
- (a) to preserve agricultural land;
  - (b) to encourage farming on agricultural land 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 agricultural land and uses compatible with agriculture in their plans, bylaws and policies.
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## COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

1. The Commission considered the soil capability of the 6 area proposed for subdivision, noting that the land was not cleared for agriculture, and the applicant's contention that the land had limited soil over shale.

### Conclusion:

In the absence of any photographic evidence or professional assessment to the contrary, apart from the applicant's brief assessment of the soils of the proposed 6 ha lot, the Commission believed that the land was capable of agricultural development. The CLI rating for the property is 5C similar to many of the surrounding properties which are cleared and improved for agriculture.

2. The Commission considered the impacts of subdividing 6 ha from the southeast corner of the subject property

### Conclusion:

The Commission noted that this common application type; "*subdivision for a relative*" provides no benefit for agriculture because it severs potentially productive land from the parent parcel, and introduces a non-farm resident into a farm area. Although the proposed 6 ha subdivision area is stated to have challenges for soil-based agricultural development, it can be used for non-soil bound agricultural uses or infrastructure.

Besides the loss of potentially productive area, subdivision of a 6 ha lot introduces a permanent non-farm resident into the farm area, potentially resulting in future residential/farm conflicts associated with trespass and complaints.

## IT WAS

**MOVED BY:** Commissioner Dyson  
**SECONDED BY:** Commissioner Dowswell

THAT the proposal to subdivide one (1) 6 ha lot from the 65 ha property be refused.

## CARRIED

**Resolution #241/2013**