



Agricultural Land Commission
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Reply to the attention of Terra Kaethler
ALC File: P-38282

September 3, 2008

David Wreggitt and Darcie Buller
835 Koziar Road
Terrace, BC V8G0E4

Dear Sir/Madam:

Re: Application to Subdivide Land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 444/2008 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

cc: Regional District of Kitimat-Stikine (3370-20-282)

Enclosure: Minutes

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A meeting was held by the Provincial Agricultural Land Commission on July 24, 2008 in Terrace, B.C.

PRESENT:	William Norton	Chair, North Panel
	Denise Dowswell	Commissioner
	John Kendrew	Commissioner
	Terra Kaethler	Staff

For Consideration

Application: # P- 38282
Applicant: David Wreggitt, Darcie Buller
Proposal: To subdivide three 4 ha lots from the 60.1 ha subject property.
Legal: PID: 013-529-595
District Lot 610, Northeast 1/4, Range 5 Coast District, EXCEPT Block A
Location: 835 Kozier Road, Terrace

Site Inspection

A site inspection was conducted on July 22, 2008. Those in attendance were:

- William Norton Chair, North Panel
- Denise Dowswell Commissioner
- John Kendrew Commissioner
- Terra Kaethler Staff
- Darcie Buller Applicant

The Commission met with the applicant at the homesite area which had been cleared and was currently used for pasture and to keep horses. It was noted that the property went up the steep, forested hill. The Commission then walked the area proposed for subdivision and noted that the area under proposal was mostly forested but appeared to be relatively flat.

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 Commission also discussed that the proposal would encourage further parcelization of ALR properties within the area and may negatively impact existing or potential agricultural use of surrounding lands.

Therefore, the Commission believed the proposal would negatively impact existing agricultural use of the subject property as well as surrounding lands and as such is not prepared to allow subdivision of the property

Conclusions

1. That the land under application has agricultural capability.
2. That the land under application is suitable for agricultural use.
3. That the proposal will impact agriculture.

IT WAS

MOVED BY: Commissioner Norton

SECONDED BY: Commissioner Dowswell

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

CARRIED

Resolution # 444/2008