



Agricultural Land Commission
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July 13, 2009

Reply to the attention of Simone Rivers
ALC File: N-37441

Dustin and Mandi Graham
6895 Swanson Road
Prince George BC V2N 7C8

Dear Mr. and Mrs. Graham:

Re: Application to Subdivide land in the Agricultural Land Reserve

This is further to your letter of April 20, 2009 in which you asked the Provincial Agricultural Land Commission to reconsider Resolution #399/2007.

The Commission has reconsidered the matter and has attached the Minutes of Resolution # 342/2009 outlining its latest decision.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the printed name below.

Erik Karlsen, Chair

Enclosure: Minutes

cc: City of Prince George

SBR/
i/37441d2



A meeting was held by the Provincial Agricultural Land Commission on June 19, 2009 at the offices of the Fraser-Fort George Regional District, Prince George, BC

PRESENT:	William Norton	Chair, North Panel
	Denise Dowswell	Commissioner
	Erik Karlsen	Chair, ALC
	Roger Cheetham	Staff

For Consideration

A letter from Dustin Graham was received requesting that the Commission reconsider its decision recorded as Resolution #399/2007. The request pointed out that the subdivision within the family would enable the land to be operated as a working farm thus enabling the land to be used to its full potential. The Commission also noted that the new home was to be sited in a wooded part of the property and would not involve the construction of an additional access.

Application:	N-37441
Applicant:	Dustin and Mandi Graham
Original proposal:	To subdivide the 29.3 ha property into one 15 ha lot and one 14.3 ha lot
Original decision:	Refused.
Current proposal:	
Legal:	PID: 009-582*380 District Lot 10236, Cariboo District, Except Plan 18319
Location:	6895 Swanson Road, Prince George

Site Inspection

A site inspection was conducted for the original application on August 8th, 2007. Those in attendance at that time were:

- Erik Karlsen, Chair, ALC
- John Kendrew Commissioner
- William Norton Chair, North Panel
- Dustin Graham Applicant

Context

The proposal was considered under Section 33 of the Agricultural Land Commission Act (the "Act") which states:

- S33(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, or

- (c) a recommendation by a facilitator under section 13 relating to a dispute warrants a reconsideration of the original decision.

The Commission believed that the applicant had provided evidence that was not available at the time of the original decision and so reconsidered the application.

Discussion In the light of the new information the Commission concluded that the present day benefits of the subdivision to the existing farming operations outweighed possible impacts on long term agricultural interests.

IT WAS

MOVED BY: Commissioner Karlsen
SECONDED BY: Commissioner Dowswell

THAT for the purposes of Section 33(2) of the *Agricultural Land Commission Act*, there are no persons it considers affected by the reconsideration.

AND THAT the request for subdivision be approved.

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- the subdivision must be completed within three (3) years from the date of this decision.

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 # 342/2009