



Agricultural Land Commission
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March 26, 2009

Reply to the attention of Simone Rivers
ALC File: W-38333

Peace Communications Cable Laying Ltd
SS2 - Site 7, Comp 14
Fort St. John, BC V1J4M7

Dear Sir/Madam:

Re: Reconsideration Request

This is further to your letter of February 24, 2009 in which you asked the Provincial Agricultural Land Commission to reconsider Resolution #591/2008.

The Commission has reconsidered the matter and has attached the Minutes of Resolution # 58/2009 outlining its latest decision.

Please send a copy of the draft restrictive covenant as well as 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 concurrent registration of the plan and the covenant.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: Peace River Regional District (93/2008)

SBR/
i/38333d1



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- 38333
Applicant: Peace Communications Cable Laying Ltd.
Proposal: To reconsider the Commission's refusal to allow subdivision of a 3 ha lot from the 63 ha property. The applicants have provided new information to the effect that they are willing to register a covenant on the South East 1/4 of Section 34 and the South West 1/4 of Section 34 - all of Township 83, Range 19, W6M, PRD preventing their separate sale.
Legal: PID: 011-727-535
The North East ¼ of Section 34, Township 83, Range 19, W6M, Peace River District, EXCEPT Plan 26616
Location: In the Grandhaven area along 242 Road and 269 Road about 4 km west of the City of Fort St. John

Site Inspection

A site inspection was conducted on Tuesday, September 23, 2008. A second site visit was not conducted.

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

The Commission reviewed the applicant's submission of February 24, 2009 and the entire file material. It recalled that the subject property did not currently have a dwelling on it and that legally there was no reason that a house could not be built on the property as it currently existed. The applicant supplied information that they would be willing to register a covenant on two other properties that it also owns preventing their separate sale. The Commission determined that this constituted new information and therefore

that reconsideration was warranted. Based on the new information supplied by the applicant, the Commission had no objection to the proposed subdivision as it believes that the binding of titles of two other properties that the applicant owns will mitigate the impact of the creation of a rural residential lot in this location.

IT WAS

MOVED BY: Commissioner Dowswell

SECONDED BY: Commissioner Norton

THAT the application to subdivide approximately 2.4 ha from the property described as the North East ¼ of Section 34, Township 83, Range 19, W6M, Peace River District, EXCEPT Plan 26616 be approved.

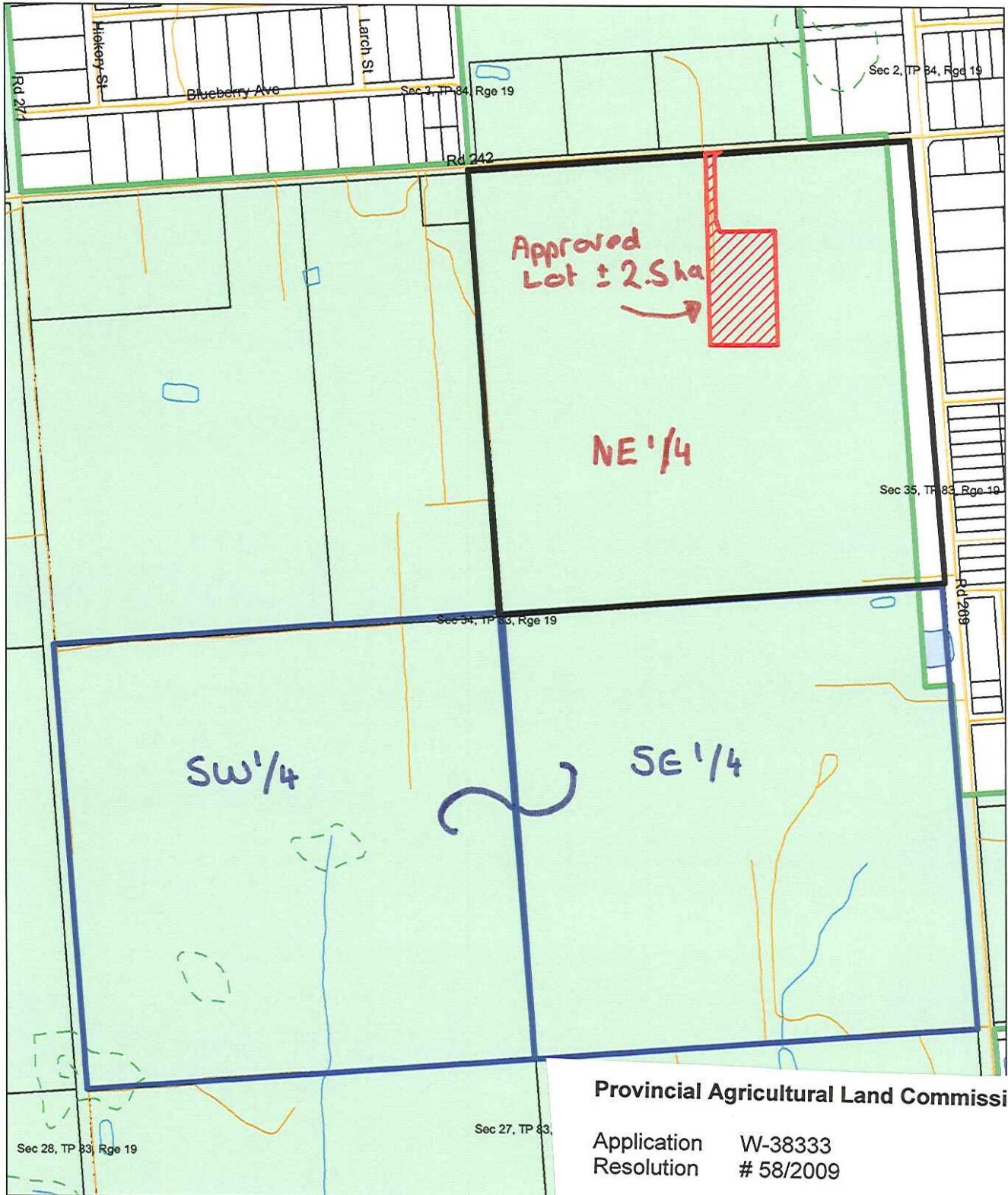
AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the revised plan submitted with the reconsideration request.
- the registration of a covenant for the purpose of preventing the separate sale of:
 1. PID: 014-587-017
The South East 1/4 of Section 34 Township 83, Range 19, W6M, PRD except Plan 26616
 2. PID: 011-727-578
The South West 1/4 of Section 34 Township 83, Range 19, W6M, PRD
- The subdivision may only be carried out concurrently with the registration of the restrictive covenant and 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 # 58/2009



Provincial Agricultural Land Commission

Application W-38333
Resolution # 58/2009

Scale: 1: 10,000
BCGS Mapsheet(s): 94A.026

-  Subject Property
-  Approved subdivision into a ± 2.5 ha lot
-  Lots to be consolidated or bound by title