



Agricultural Land Commission
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December 10, 2008

Reply to the attention of Simone Rivers
ALC File: W-38573

Moe and Trudy Cote
Box 27
Cecil Lake, BC V0C1G0

Dear Mr. and Mrs. Cote:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 783/2008 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink that reads 'Simone Rivers'. The signature is written in a cursive, flowing style.

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: Peace River Regional District (181/2008)

SBR/
i/38573d1

Discussion

Assessment of Agricultural Capability

The agricultural capability of the soil of the subject property is 100% Class 4D with limitations of undesirable soil structure.

Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

The Commission noted that the majority of the property was cleared and improved for agricultural use. The Commission believes that the property has agricultural capability and is correctly designated as ALR.

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 Commission does not believe there are external factors that render the land unsuitable for agricultural use. The property is located in a rural area where most of the nearby properties are also quarter sections. Additionally, the Commission did not believe that there was any compelling bio-physical evidence that the area requested for subdivision could not be used in conjunction with the remainder of the property. The Commission does not believe that the small creek on the property precludes use of the property as a single unit.

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, when it considers applications for subdivision generally takes the view that subdivision and the creation of rural residential lots are not consistent with the long term agricultural activity and productivity. Subdivision erodes the productive capacity of the parent farm parcel. The Commission believes the proposal would impact existing or potential agricultural use of surrounding lands and of the subject property.

Conclusions

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

IT WAS

MOVED BY: Commissioner Dowswell

SECONDED BY: Commissioner Norton

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

CARRIED
Resolution # 783/2008