



**Agricultural Land Commission**  
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March 25, 2009

Reply to the attention of Simone Rivers  
ALC File: W-38712

Lyle and Geraldine Hall  
Box 23 - 5266 Cecil Lake Road  
Cecil Lake, BC V0C1G0

Dear Mr. and Mrs. Hall:

**Re: Application to Subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 65/2009 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:   
Erik Karlsen, Chair

Enclosure: Minutes/

cc: Peace River Regional District (216/2008)

SBR/  
i/38712d1



A meeting was held by the Provincial Agricultural Land Commission on March 11, 2009 at Fort St. John, B.C.

<b>PRESENT:</b>	William Norton	Chair, North Panel
	Denise Dowswell	Commissioner
	Simone Rivers	Staff
	Brian Underhill	Staff

**For Consideration**

Application: # W- 38712  
 Applicant: Lyle and Geraldine Hall  
 Proposal: Family Subdivision: To subdivide 12.4 ha from the 64 ha subject property.  
 Legal: PID: 014-509-181  
 The South East ¼ of Section 28, Township 84, Range 17, W6M, Peace River District, EXCEPT Plan 23896  
 Location: Cecil Lake

**Site Inspection**

A site inspection was conducted on March 10, 2009. Those in attendance were:

- William Norton Chair, North Panel
- Denise Dowswell Commissioner
- Simone Rivers Staff
- Brian Underhill Staff
- Taneah Hall Daughter of the applicants.

Ms. Hall met the Commissioners on the subject property and showed them the location of the proposed subdivision. She stated that she hoped to move her family to the proposed lot. She further stated that the subdivision was the proposed size as she wished to have enough room for a horse. The Commission noted that a portion of the proposed lot was cleared and a portion was forested. A pipeline right-of-way represented the proposed property boundary.

Ms. Hall confirmed that the staff report dated February 16, 2009 was received and no errors were identified.

**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**

### **Assessment of Agricultural Capability**

The agricultural capability of the soil of the subject property is 100% Class 3X with cumulative and minor adverse characteristics.

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

The Commission believes that the subject 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 subject property is located in an area of predominantly quarter section sized holdings, most of which are cleared and in agricultural use.

### **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 is not consistent with long term agricultural activity and productivity. The Commission believed that the subject parcel has more agricultural potential as a single unit and that subdivision would negatively impact the agricultural opportunities available to the subject property in the long-term. The Commission considered the option of subdivision of a smaller lot than the applicant had asked for but in this case the Commission believes that any subdivision of the property will have a negative impact on agriculture.

## **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 # 65/2009**