



**Agricultural Land Commission**  
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March 25, 2009

Reply to the attention of Simone Rivers  
ALC File: W-38770

Joseph & Evona Kitzke  
Box 28049 RPO East Kelowna  
3765 East Kelowna Rd  
Kelowna, BC V1W4A6

Dear Mr. and Mrs. Kitzke:

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

Please find attached the Minutes of Resolution # 63/2009 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 (236/2008)

SBR/  
i/38770d1



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

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

**For Consideration**

Application: # W- 38770  
Applicant: Joseph & Evona Kitzke  
Proposal: To subdivide the two sections into quarter sections. This would create a total of eight approximately 64 ha properties.  
Legal: 1. PID: 025-161-211  
Section 6, Township 85, Range 15, West of the 6th Meridian, Peace River District  
2. PID: 025-836-749  
Block A, Section 8, Township 85, Range 15, West of the 6th Meridian, Peace River District  
Location: Along Cecil Lake Road, between Cecil Lake and Goodlow.

**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
- Joseph Kitzke Son of the Applicant.

The Commission met with the son of the applicants at the subject property. The Commission was able to view one of the properties; the other was inaccessible in the winter. However, Joseph Kitzke described the property to the Commission with the help of aerial photographs. The Commission noted that the property they viewed was partially cleared and partially treed. A portion of the property was covered in a wetland. The second property was also partially cleared and partially forested and a stream ran through the northern half of the property.

Evona Kitzke confirmed that the staff report dated February 11, 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 majority of the subject properties is 100% Class 4x with a portion being Class 3C.

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

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

Subclasses: C: adverse climate                      X: cumulative and minor adverse

The Commission believes that the subject properties have agricultural capability and are 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. Properties in the area are generally large agricultural holdings, the majority quarter section or larger in size.

### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. In the Commission's view, reduction of parcel size generally reduces the available options for agricultural use. The Commission believed that the subject properties have more agricultural potential as a single unit and that subdivision would negatively impact the agricultural opportunities available to the subject properties in the long-term.

## **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 # 63/2009**