



Agricultural Land Commission
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September 22, 2009

Reply to the attention of Simone Rivers
ALC File: W-39002

T.J. Tryon
c/o T.J. Tryon Land Surveying Ltd.
10201 - 17th Street
Dawson Creek, BC V1G 4C3

Dear Mr. Tryon:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 740/2009 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Should your client wish to proceed as outlined in the minutes please send a revised proposal with a sketch to this office for Commission consideration.

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/

cc: Peace River Regional District (40/2009)

SBR/
39002d1

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 large holdings that are largely improved for agriculture.

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.

Assessment of Other Factors

The Commission noted in the owner stated that he proposed to sell the remainder of the quarter section to the current lease holder. The Commission also noted that the applicant owns several other quarter sections in the immediate vicinity. Although the Commission believes that the subdivision of the proposed lot would have a negative impact on agriculture it would reconsider if either the remainder is bound by covenant to other holdings (owned by the potential purchaser) or the applicant binds by covenant two other properties that he owns. The intent being that effectively no new properties are created by the subdivision.

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.
5. That the Commission would consider a revised proposal whereby either the remainder is bound by covenant to another property owned by the purchaser or the applicant proposed two properties that he owns to be bound by covenant.

IT WAS

MOVED BY: Commissioner Norton
SECONDED BY: Commissioner Dowswell

THAT the application be refused as proposed.

AND THAT the Commission would consider a revised proposal that
Either binds by covenant the remainder of the property to other lands owned
by the purchaser
Or binds together two other properties owned by the applicant.

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.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED
Resolution # 740/2009