



Agricultural Land Commission
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September 22, 2009

Reply to the attention of Simone Rivers
ALC File:W-39012

Marion Louise Thompson
PO Box 81
Cecil Lake, BC V0C 1G0

Dear Ms. Thompson:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 800/2009 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/

cc: Peace River Regional District (38/2009)

SBR/
39012d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on August 27, 2009.

PRESENT:	William Norton	Chair, North Panel
	Denise Dowswell	Commissioner
	Erik Karlsen	Chair, ALC
	Simone Rivers	Staff

For Consideration

Application:	W-39012
Applicant:	Marion Thompson
Proposal:	To subdivide a 4 ha lot from the 63.4 ha property
Legal:	PID: 014-580-438 The North West ¼ of Section 24, Township 84, Range 17, West of the 6 th Meridian, Peace River District, Except Parcel A (9433M)
Location:	Cecil Lake.

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 agricultural capability of the soil of the subject property is 100% Class 3X with limitations of 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. It noted that the majority of the property had been cleared and improved for agricultural use.

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 Cecil Lake area is an extensive agricultural area. Most nearby properties are large holdings. The Commission noted that the subject property was adjacent to the non-ALR

community of Cecil Lake but does not believe that that this renders the land unsuitable for 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 noted that the proposed lot would remove cultivated land from the subject property and considered if a different location of the proposed lot would lessen the impact on agriculture but concluded that any subdivision of the property would have a negative impact on agriculture.

Assessment of Other Factors

The Commission notes that ALC Regulations allow the placement of a mobile home for a family member as a second dwelling on ALR lands.

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 Norton
SECONDED BY: Commissioner Dowswell

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 # 800/2009