



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

June 15, 2010

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

Joseph and Evona Kitzke
PO Box 28049 East Kelowna
3765 East Kelowna Road
Kelowna, BC
V1W 4A6

Dear Sir/Madam:

Re: Request for Reconsideration

This is further to your letter of March 23, 2010 in which you asked the Provincial Agricultural Land Commission to reconsider Resolution # 63/2009.

The Commission has reconsidered the matter and has attached the Minutes of Resolution # 2477/2010 and a sketch plan outlining its latest decision.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Other approvals may also be necessary. It is suggested that you contact your local government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Brian Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

cc: Peace River Regional District File: #236/2008

Enclosure: Minutes/Sketch Plan

SBR/38770d2



A meeting was held by the Provincial Agricultural Land Commission on June 4, 2010 Fort St John.

PRESENT:	William Norton	Chair, North Panel
	Denise Dowswell	Commissioner
	Jim Collins	Commissioner
	Martin Collins	Staff

For Consideration

A letter dated March 23, 2010 was received from Joseph and Evona Kitzke requesting that the Commission reconsider its decision recorded as Resolution #63/2009 to refuse the subdivision of two sections into eight quarter sections. An Agricultural Capability Assessment was received from the Kitzke's prepared by Catherin Orban, MSc, PAg. which provided information in support of subdivision.

Application: W-38770
 Applicant: Joseph and Evona Kitzke
 Agent: Brent Kitzke
 Original proposal: To subdivide two full sections into eight quarter sections of 65 ha
 Original decision: Refuse as proposed
 Current proposal: To reconsider the subdivision of eight quarter sections based on an assessment by a professional agrologist.

Legal: PID 025-161-211 Sec 6, Twp 85, R15, W6M, PRD
 PID 025-836-749 Blk A, Sec 8, Twp 85, R15, W6M, PRD

Location: Cecil Lake

Context

The proposal was considered under Section 33 of the Agricultural Land Commission Act (the "Act") which states:

- S33(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, or
 - (c) a recommendation by a facilitator under section 13 relating to a dispute warrants a reconsideration of the original decision.

The Commission believed that the applicant had provided evidence that was not available at the time of the original decision and so reconsidered the application.

Commissioner Eligible to Vote

Commissioner Jim Collins was not present at the March 10, 2009 site inspection. It was confirmed that a summary of the site inspection was provided thus establishing the Commissioner's eligibility to vote on the application.

Discussion

The Agologist report indicated that the large size of the sections and geographic diversity within them resulted in management challenges, resulting in the land being underutilized for agriculture. It was the Agologist's view that diversity in ownership and management in this specific situation would result in greater utilization of the land for agriculture.

The Commissioners concurred with the agologist's assessment that the properties were underutilized for agriculture and there was potential to increase the land's productive capacity by subdividing the two sections into more manageable lot sizes which would permit them to be sold to surrounding farm operations.

IT WAS

MOVED BY: Commissioner William Norton
SECONDED BY: Commissioner Jim Collins

THAT for the purposes of Section 33(2) of the *Agricultural Land Commission Act*, there are no persons it considers affected by the reconsideration.

AND THAT the request to subdivide the two subject properties into eight quarter sections (of ~65 ha each) be approved.

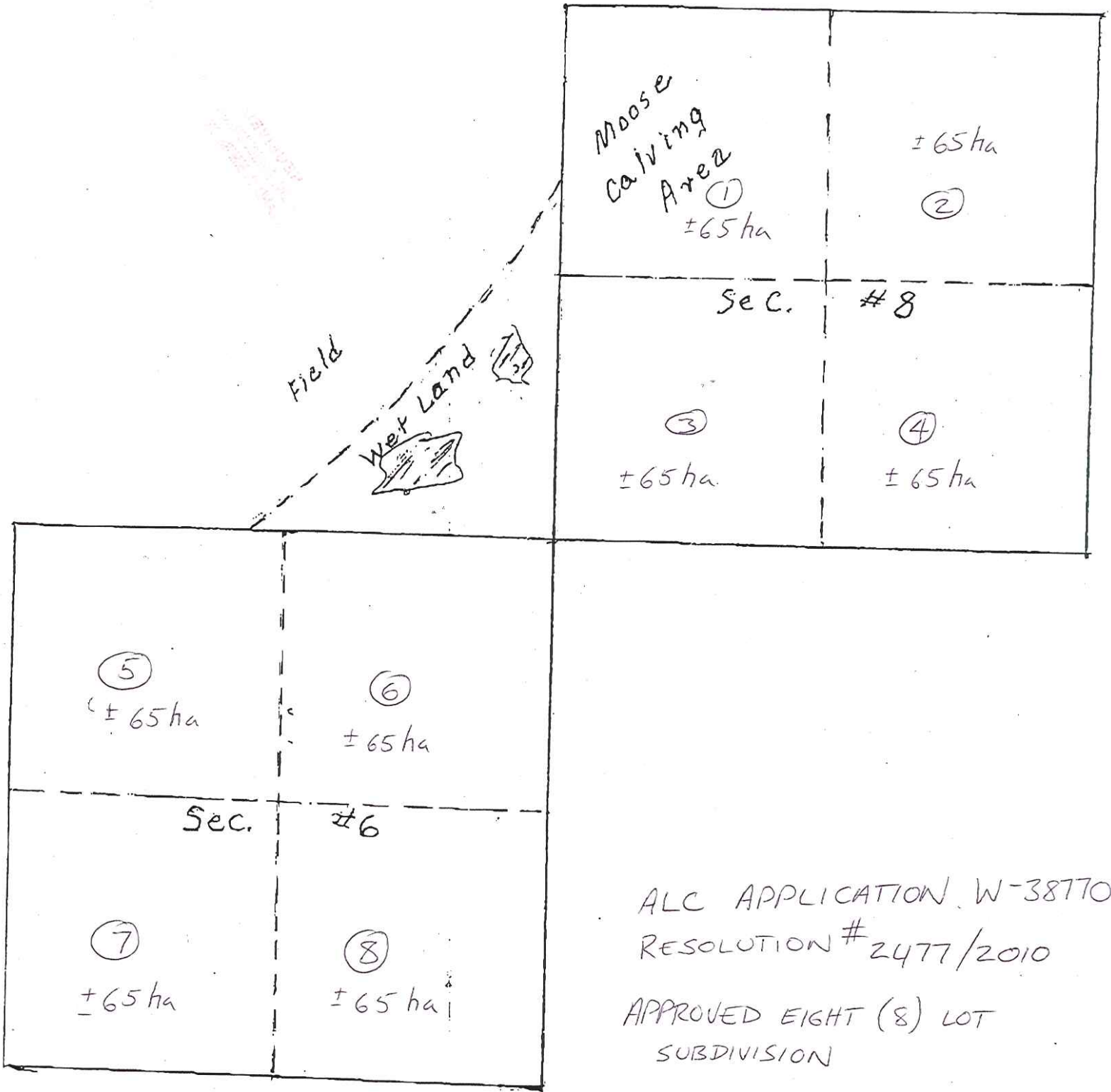
AND THAT the approval is subject to the following conditions:

- the subdivision must be completed within three (3) years from the date of this decision.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED

Resolution # 2477/2010



ALC APPLICATION W-38770
 RESOLUTION # 2477/2010

APPROVED EIGHT (8) LOT
 SUBDIVISION