



Agricultural Land Commission
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December 22, 2009

Reply to the attention of Simone Rivers
ALC File: 50347

Sean Merrick
Box 222
Pouce Coupe, BC V0C 2C0

Dear Mr. Merrick:

Re: Application for Non-Farm Use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 1688/2009 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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink that reads "Erik Karlsen". The signature is written in a cursive, flowing style.

Erik Karlsen, Chair

Enclosure: Minutes/

cc: Peace River Regional District (078/2009)

SBR/
50347d1



A meeting was held by the Provincial Agricultural Land Commission on November 18, 2009 at the offices of the Peace River Regional District in Fort St. John, B.C.

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

For Consideration

Application: 50347
 Applicant: Donna MacLand
 Agent: Sean Merrick
 Proposal: To develop campgrounds as well as motocross and enducross tracks on 64 ha of ALR land. The proposal also includes plans to develop equestrian trails, a horse arena and jumping area.
 Legal: PID: 014-252-325
 The South West ¼ of Section 6, Township 7, Range 13, W6M, Peace River District
 Location: Between the Pouce Coupe River, Tupper River and the Alberta border

Application Meeting

A meeting was conducted on November 17, 2009. Those in attendance were:

- William Norton Chair, North Panel
- Denise Dowswell Commissioner
- Erik Karlsen Chair, ALC
- Simone Rivers Staff
- Brian Underhill Staff
- Sean Merrick Applicant

Mr. Merrick outlined his proposal for using his property as well as adjacent Crown Land for motocross and enducross. Mr. Merrick explained that he was proposing to develop a parking/staging area as well as terrain, jumps, motocross, endurocross and seasonal camping on the property. Mr. Merrick stated that he believed that the property had limited capability for soil bound agriculture.

The applicant explained that he has applied for a recreation permit for adjacent Crown ALR Land through Ministry of Tourism, Culture and the Arts. Mr. Merrick is involved in an off road motor bike association, the Northern Dirt Riders, who would have an agreement with the Ministry of Tourism, Culture and the Arts to help manage trails and recreational use of these adjacent Crown Lands.

At the meeting Mr. Merrick provided the Commission with letters of support from local landowners.

Mr. Merrick confirmed that the staff report dated November 9, 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 subject property is rated as 60% class 4T – 40% Class 5T with limitations of topography.

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 agricultural area where many surrounding properties are in agricultural production.

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 believes the proposal would impact existing or potential agricultural use of surrounding lands. The Commission is concerned that the creation of motocross trails on the property would reduce both the capability and suitability of the lands for agricultural use.

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 # 1688/2009