



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
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26th October 2010

Reply to the attention of Roger Cheetham
ALC File:51757

Dediluke Land Surveying Inc.
4801 Keith Avenue
Terrace, BC
V8G 1K6

Dear Sir:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 2685/2010 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 purple ink, which appears to read 'RH Cheetham', is written over the printed name of the Executive Director.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of Kitimat-Stikine, 300-4545 Lazelle Avenue, Terrace, BC, V8G
4E1 (3370 20 # 286)
rc/51757d1

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.

Assessment of Agricultural Suitability

The Commission assessed whether external factors such as encroaching non-farm development have caused or will cause the subject property to become unsuitable for agriculture. The Commission did not believe there are external factors that render the land unsuitable for agricultural use. It noted that the property is in an area that is generally treed within which there are a number of hobby farms.

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 did not believe that the subdivision of the area within the ALR would provide any benefits for agriculture and by creating smaller agricultural parcels the range of agricultural opportunities would be reduced.

Other Considerations

The Commission noted that in response to the staff report and the comments of the Regional District, the applicant's agent had confirmed that, due to the presence of a watercourse, the lot lines could not be moved. The Commission also noted that the proposed parcels will have a minimum size of 4 ha. and not 2 ha. as stated in the report.

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.

IT WAS

MOVED BY: Commissioner R. Bullock

SECONDED BY: Commissioner D. 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, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration.

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 # 2685/2010