



Agricultural Land Commission
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26th October 2010

Reply to the attention of Roger Cheetham
ALC File:51847

Willibald and Peggy Schmidt
6167 Chimdemash Road
Box 991
Terrace, BC
V8G 4V1

Dear Willibald and Peggy Schmidt:

Re: **Application to use land in the Agricultural Land Reserve for Non-farm purposes**

Please find attached the Minutes of Resolution # 2686/2010 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in blue ink, which appears to read 'Brian Underhill', is written over the printed name.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of Kitimat-Stikine, 300-4545 Lazelle Avenue, Terrace, BC, V8G 4E1 (3370 20 # 288)
rc/51847d1

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 of ALR within which there has been a limited amount of farming and that the subject property has been cleared for pasture in the past.

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 proposed seasonal cabins and sleeping units would have any material impact on agriculture. However it considered that the units should be mounted on a non-permanent foundations.

Other Considerations

The Commission noted that the Regional District was in support of the application.

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, subject to the use of non-permanent foundations, the proposal will not impact agriculture.
4. That the proposal is consistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner J. Collins

SECONDED BY: Commissioner R. Bullock

THAT the application be approved subject to the units being mounted on non-permanent foundations

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 # 2686/2010