



Agricultural Land Commission
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January 6, 2014

ALC File: # 53246

Andreas and Irene Rempel
PO Box 61,
Progress, BC
V0C 2E0

Dear Sir/Madam:

Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution # 381/2013 as it relates to the above noted application.

The Commission draws your attention to Section 33(1) of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

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.

A revised proposal does not constitute new evidence and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

Further correspondence with respect to this application is to be directed to Gordon Bednard.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #381/2013

cc: Peace River Regional District File: #59/2013

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 27th, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53246.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Gordon Bednard	Land Use Planner
Lindsay McCoubrey	Land Use Planner
Colin Fry	Executive Director

PROPOSAL (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

To subdivide a 12 ha lot from the 62 ha property as divided by the creek for the applicant's son. The applicant indicates that there is difficulty in crossing the creek, unless dry.

PROPERTY INFORMATION:

Owner: Andreas and Irene Rempel

Legal: PID:014-507-919
NE ¼ of Section 22, Twp 78, R. 18, W6M, Peace River District, Except Plans B7520 and 23873

Location: Corner of Highway #97 and Road 253, west of Dawson Creek.

Size: 62 ha

SITE INSPECTION

A site inspection was conducted on October 9, 2013 at the subject property. Those in attendance included the Commissioner(s) Collins, Miles, Pranger, Dempsey, ALC staff G. Bednard, Ministry of Agriculture staff J. Robinson, and the applicant Andreas Rempel.

The Commissioners, staff and applicant viewed the creek, which had very little water in it at the time. The applicant indicated that the creek is flooded and cannot be crossed for much of the year. Land on both sides of the creek is used for agricultural purposes by the owner.

Section 14(2) of the *Agricultural Land Commission Act* provides that a member of the Commission who was not present at a meeting to determine an application or other matter may vote on the application or matter only if a summary of the meeting is given to the member before the vote. Commissioner Collins gave a verbal summary of the site inspection to all Commission members recorded above.

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
- (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
 - (c) 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.
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COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

1. The Commission considered the agricultural capability of the subject property.
Conclusion: The Commission noted that the CLI soil capability ratings for the property are primarily 3X, indicating that the land can be developed for agricultural uses. In addition much of the property is presently cleared and cultivated.
2. The Commission considered the agricultural impact(s) of subdividing a 12 ha lot from the 62 ha property.
Conclusion: The Commission believed that the severance of 12 ha would result in two parcels with limited agricultural potential, due to their relatively small size. In addition another homesite would likely be constructed on the 50 ha remainder, eroding the arable land base.
3. The Commission considered the creek as an impediment to utilizing the property as a single agricultural unit.
Conclusion: The Commission did not believe that the creek represented a significant impediment to agricultural development because the property was developed and is presently used as a single agricultural unit. It was recognized that at times of the year the

creek may be difficult to cross, but this did not, in the Commission mind provide a suitable rationale for subdivision.

IT WAS

MOVED BY: Commissioner Gillette

SECONDED BY: Commissioner Miles

THAT the proposal to subdivide a 12 ha lot from the 62 ha property be refused.

CARRIED

Resolution #381/2013