



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
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www.alc.gov.bc.ca

June 10, 2014

ALC File: #53593

Peter and Turid Giovannini
PO Box 327
Pouce Coupe, BC
V0C 2C0

Dear Sir/Madam:

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

Please find attached the Minutes of Resolution #199/2014 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:

A handwritten signature in black ink, appearing to read 'Colin Fry', written over a white background.

Colin J. Fry, Chief Tribunal Officer

Enclosure: Minutes of Resolution #199/2014

cc: Peace River Regional District (File #226/2013)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 28, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53593.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner

COMMISSION STAFF PRESENT:

Gordon Bednard	Planner
Jennifer Carson	Planner
Martin Collins	Regional Planner
Colin Fry	Chief Tribunal Officer

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

SUBDIVISION: To subdivide a 7 ha lot from the 61 ha subject property as divided by the Old Edmonton Highway.

PROPERTY INFORMATION:

Owners: Peter and Turid Giovannini

Legal: PID: 009-176-241
Fractional West ½ of Section 34, Township 25, Peace River District, Except the SW ¼

Location: South of Pouce Coupe

Size: 61 ha

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 file information the Commission concluded as follows:

1. The Commission assessed the agricultural capability of the subject property.

Conclusion:

The Canada Land Inventory (CLI) soil capability rating for the subject property is 5C indicating that the property has moderate agricultural capability, with a severe climate being the limiting factor to agricultural development. The air photos indicate that only a portion of the subject property has been cleared and there does not appear to be any agricultural activity on the property. The property is severed diagonally by the Old Edmonton Highway (a secondary road), and the 7 ha area lying east of the road has not been cleared or used for agriculture. However, the adjoining land to the east is cultivated.

2. The Commission assessed the agricultural impacts of the proposed subdivision.

Conclusion:

The Commission noted that this property is one of five or six adjoining properties diagonally bisected by the Old Edmonton Highway. The Commission's records do not indicate that it has permitted any previous subdivision applications on these adjoining and nearby properties as divided by the road. In addition the Commission does not believe that the intensity of traffic on the road makes it impossible to utilize the property as a single agricultural unit. It appears that similarly affected properties are managed across the highway.

IT WAS

MOVED BY: Commissioner Johnson
SECONDED BY: Commissioner Dempsey

THAT the application to subdivide a 7 ha lot from the 61 ha subject property be refused.

CARRIED

Resolution #/199/2014