



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
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www.alc.gov.bc.ca

20th December 2010

Reply to the attention of Ron Wallace
ALC File: 37792

Ms. Donna Jost
0790656 BC Ltd.
3310 Pinebridge Road
Kimberley, BC
V1A 3L5

Dear Madam:

Re: Request for Reconsideration

This is further to your e-mail dated 13th July 2010 in which you asked the Provincial Agricultural Land Commission to reconsider Resolution # 149/2008.

The Commission has reconsidered the matter and has attached the Minutes of Resolution # 2801/2010 outlining its latest decision.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in blue ink, appearing to read 'B Underhill', is written over the printed name.

Brian Underhill, Executive Director

cc: Regional District of East Kootenay (P-707-423)

Enclosure: Minutes
rc/37792d2



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on 17th November 2010 in Nelson, BC

PRESENT:	Richard Bullock	Chair of Commission
	Barry Minor	Chair, North Panel
	Jerry Thibeault	Commissioner
	Gordon Gillette	Commissioner
	Roger Cheetham	Staff

For Consideration

An e-mail dated 13th July 2010 from the applicant was received requesting that the Commission reconsider its decision recorded as Resolution #149/2008. The e-mail requested a 2 year extension on the operation of the gravel pit because they are unable to deplete their stockpile materials due to somewhat depressed economic conditions.

Application:	37792
Applicant:	0790656 BC Ltd.
Agent:	Donna Yost
Original proposal:	Non-farm use to sell off existing stock piles of gravel and operate the existing gravel pit for their current construction business for a period of five years.
Original decision:	Allowed subject to conditions that include a three year time limit
Current proposal:	To extend the term of the approval by 2 years
Legal:	Lot 1, District Lot 342, Kootenay District Plan 5632, Except Plan Included in Plan 15690
Location:	4470 Moan Road, Skookumchuck

Context

The proposal was considered under Section 33 of the Agricultural Land Commission Act (the "Act") which states:

S33(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, or
- (c) a recommendation by a facilitator under section 13 relating to a dispute warrants a reconsideration of the original decision.

The Commission believed that the applicant had provided evidence that was not available at the time of the original decision and so reconsidered the application.

Discussion

The Commission considered that it was reasonable to extend the term by two years as requested in view of the downturn in the economy.

IT WAS

MOVED BY: Commissioner J. Thibeault
SECONDED BY: Commissioner G. Gillette

THAT for the purposes of Section 33(2) of the *Agricultural Land Commission Act*, there are no persons it considers affected by the reconsideration.

AND THAT the request for an extension of the term of extraction be approved.

AND THAT the approval is valid until 27th March 2013

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED

Resolution # 2801/2010