



Agricultural Land Commission
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December 8, 2009

Reply to the attention of Simone Rivers
ALC File: W-38560

Wayne Hansen and Kerry Martin
Box 536
Dawson Creek, BC V1G 4H4

Dear Mr. Hansen and Ms. Martin:

Re: Request for Reconsideration

This is further to your letter of November 5, 2009 in which you asked the Provincial Agricultural Land Commission to reconsider the conditions of Resolution #775/2008.

The Commission has reconsidered the matter and has attached the Minutes of Resolution # 1628/2009 outlining its latest decision.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: A handwritten signature in black ink that reads 'Simone Rivers'. The signature is written in a cursive, flowing style.

Erik Karlsen, Chair

cc: City of Dawson Creek

Enclosure: Minutes/

SBR/
38560d2



A meeting was held by the Provincial Agricultural Land Commission on November 18, 2009 at the offices of the Peace River Regional District in Fort St. John, BC

PRESENT:	William Norton	Chair, North Panel
	Denise Dowswell	Commissioner
	Erik Karlsen	Chair, ALC
	Simone Rivers	Staff

For Consideration

A letter from Kerry Martin and Wayne Hansen was received requesting that the Commission reconsider its decision recorded as Resolution #775/2008. It indicated that the applicants wished the Commission to alter the conditions of approval.

Application:	W-38560
Applicant:	Wayne Hansen
Agent:	Jim Little – Mackeno Ventures
Original proposal:	To exclude the 64 ha property from the ALR to allow for its future development for Light Industrial and Commercial Use as designated in the South Peace Comprehensive Development Plan
Original decision:	Approved subject to: <ul style="list-style-type: none"> • The preparation of a development plan to show the proposed lot layout and phasing that is acceptable to the Commission. The Commission will exclude each phase as it is subdivided from the remainder of the property. Early phases should show how lands beyond will be accessed. • That the property be concurrently rezoned to Commercial and Light-Industrial designations as endorsed for the South Peace Comprehensive Development Plan. • The conditions must be met and exclusion completed within three (3) years from the date of the decision (December 3, 2008).
Current proposal:	To vary the conditions of approval to allow immediate commercial use of a portion of the property.
Legal:	PID: 014-431-572 The South East ¼ of Section 20, Township 78, Range 15, West of the 6 th Meridian, Peace River District, Except Firstly: Plan A1442, Secondly, Part Dedicated Road on Plan BCP19114
Location:	West of Dawson Creek on the Dangerous Goods Route.

Site Inspection

A site inspection was conducted for the original application on December 2, 2008. Those in attendance at that time were:

- William Norton Chair, North Panel
- Denise Dowswell Commissioner
- Simone Rivers Staff
- Jim Little Agent
- Wayne Hansen Applicant
- Kerry Martin

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 had agreed to exclude the subject property because it had been identified through a local government planning process as a suitable location for future growth. However, the Commission continued to believe that before the lands are excluded and before they are used for non-farm purposes that the conditions of approval must be met. Although the applicants had been approached by an interested party who was interested in using a portion of the property for a business selling manufactured homes, the Commission believed that non-farm use of the property in advance of rezoning and meeting the other conditions was premature and as such it was not prepared to remove or alter the conditions.

IT WAS

MOVED BY: Commissioner Norton
SECONDED BY: Commissioner Dowswell

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 conditions of approval outlined in Resolution # 775/2008 be reconfirmed.

AND THAT the approval for exclusion of the property remains subject to the following conditions:

- The preparation of a development plan to show the proposed lot layout and phasing that is acceptable to the Commission. The Commission will exclude each phase as it is subdivided from the remainder of the property. Early phases should show how lands beyond will be accessed.
- That the property be concurrently rezoned to Commercial and Light-Industrial designations as endorsed for the South Peace Comprehensive Development Plan.
- The conditions must be met and exclusion completed within three (3) years from the date of the original decision (December 3, 2008).

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 # 1628/2009