



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

June 11, 2010

Reply to the attention of Martin Collins  
ALC File W-38560

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

Dear Sir/Madam:

**Re: Request for Reconsideration**

This is further to your June 2, 2010 e-mail in which you asked the Provincial Agricultural Land Commission to reconsider Resolution #775/2008.

The Commission has reconsidered the matter and has attached the Minutes of Resolution #2468/2010 and a sketch plan outlining its latest decision.

Upon receiving confirmation of the rezoning of the property and an appropriate development plan the Commission will exclude the subject property from the ALR.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

cc: City of Dawson Creek (7-1-2(ALR08/02))

Enclosure: Minutes/Sketch plan

MC/38560d3



A meeting was held by the Provincial Agricultural Land Commission on June 4, 2010 in Fort St. John, B.C.

<b>PRESENT:</b>	William Norton	Chair, Northern Panel
	Denise Dowswell	Commissioner
	Jim Collins	Commissioner
	Martin Collins	Staff

**For Consideration**

A June 2, 2010 e-mail was received from Wayne Hansen and Kerry Martin requesting that the Commission reconsider its decision recorded as Resolution #775/2008. The applicants are requesting that the 16 ha "commercial" designated portion of the 64 ha subject property be relocated from the southeast corner to the southwest corner because a light industrial enterprise is being proposed for the southeast 16 ha.

Application:	W-38560
Applicant:	Wayne Hansen and Kerry Martin
Original proposal:	To exclude 64 ha from the ALR
Original decision:	Allow with conditions: subject to re-zoning, and a development plan
Current proposal:	To relocate 16 ha "Commercial" designated/zoned portion of the property from the southeast to the southwest corner of the 64 ha property.
Legal:	PID 014-431-572 SE ¼ , Sec. 20, Twp 78, W6M, PRD, Except.....
Location:	West of Dawson Creek on Highway 97

**Site Inspection**

The Commission met with the applicants on the property on June 3, 2010 and discussed the revised proposal. Those in attendance were:

- Commissioners and ALC staff noted above
- Wayne Hansen and Kerry Martin (applicants)
- Kevin Henderson, Director of Operations, City of Dawson Creek

The applicants provided a rationale for their request to vary the original decision. They indicated that there was very little demand for commercial land, but high demand for light industrial land. In addition the interested purchaser only wants the 16 ha southeast corner where Highway 97 and the Dangerous Goods route intersect.

The applicants also indicated that they would be submitting a development plan at the earliest opportunity so that the property could be excluded from the ALR.

**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 recalled that the South Peace CDP proposed to designate the southeastern 16 ha of the 65 ha subject property for commercial uses and the remainder for light industrial uses. Its decision to allow exclusion of the property from the ALR was subject to ensuring consistency with the purposes and direction of the CDP.

The Commission had no objection to the re-designation/re-zoning proposal, confirming the necessity of providing adequate (16 ha) land for commercial uses, but believing that the specific location of the potential commercial area was irrelevant. It acknowledged that given the current increase in oil and gas development in the South Peace region that industrial land is in greater demand than commercial land.

### **IT WAS**

**MOVED BY:** Commissioner William Norton

**SECONDED BY:** Commissioner Jim Collins

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 to designate and zone the southwesterly 16 ha area for "commercial" uses and designate and zone the southeasterly 16 ha area for "light industrial" uses be approved.

AND THAT the conditions of approval outlined in Resolution #775/2008 be reconfirmed except as noted above.

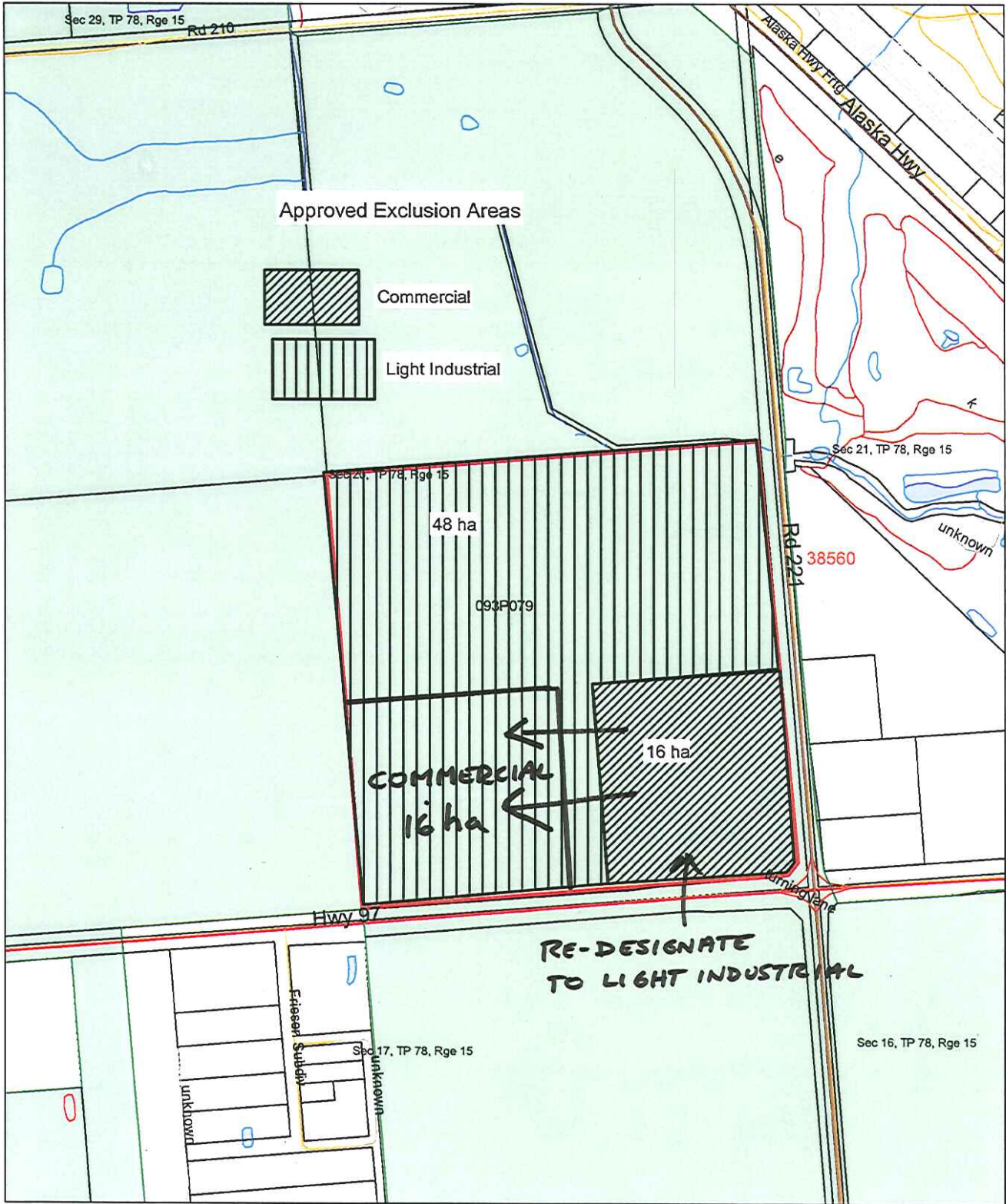
AND THAT the applicant be advised that the time limit for submitting a request for reconsideration is one (1) year from the date of the original decision letter. As it has now been over a year since the Commission's original decision the Commission considers this application to be closed. Any further proposals involving the subject property must be made by way of a new application.

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**

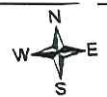
**Resolution # 2468/2010**

Resolution # 775/2008 - ALC Application # W-38560



Scale: 1: 10,000  
BCGS Mapsheet(s): 93P.079

RESOLUTION # 2468/2010



ALC APPLICATION W-38560