



Agricultural Land Commission
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June 7, 2016

ALC Application ID: #53800

DELIVERED BY ELECTRONIC MAIL

Mark Himmelspach
CastleRock Estates Developments
2433 – 29th Avenue SW
Calgary, Alberta T2T 1P1

Dear Mr. Himmelspach:

Re: Reconsideration Request – ALC Resolution #284/2015

A meeting of the Executive Committee of the Agricultural Land Commission (“the Executive Committee”) was held on February 24, 2016 as it relates to the request for reconsideration of Application #53800. All members of the Executive Committee were in attendance, except Vice-Chair Sharon Mielnichuk.

The Executive Committee received correspondence dated December 16, 2015 requesting reconsideration of its decision recorded as Resolution #284/2015, by which, the proposal to use approximately 0.7 ha of the subject property for boat and trailer storage was refused.

The Executive Committee considered your request for reconsideration pursuant 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.

After reviewing the file material and the request for reconsideration, the Executive Committee did not believe your submission constituted evidence that was not available at the time of the previous decision or demonstrated that all or part of the original decision was based on evidence that was in error or was false.

The information contained in the reconsideration request was available to the Commission at the time of the original consideration as it was contained in the material submitted by the applicant and/or Local Government and/or supplied by in-office resources (maps, airphotos, agricultural capability, etc). Specifically, items ‘D’, ‘E’ and ‘F’ in the applicant submission dated August 11, 2014 which detailed the current state of the land under application and the site photos submitted within Schedule “A” dated March 17, 2014.

The Commission also notes that the offer of, "...an ALR covenant [to] be placed on 4 + acres of non-ALR lands of similar or higher quality adjacent to Lot 1 DL 4598", would constitute a new proposal and as such does not qualify for reconsideration.

The Executive Committee concluded that the request for reconsideration did not meet the requirements for reconsideration pursuant to s. 33(1) of the *Agricultural Land Commission Act*. Your request for reconsideration and a meeting is therefore dismissed.

Further correspondence with respect to this application is to be directed to Lindsay McCoubrey at (Lindsay.McCoubrey@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Colin Fry, Chief Tribunal Officer

cc: District of Invermere (File #800.000) – **Delivered by Electronic Mail**