



Agricultural Land Commission
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November 1, 2010

Reply to the attention of Martin Collins
ALC File 51701

Philip and Cindy Stefanyk
PO Box 593
Dawson Creek, B.C.
V1G 4H4

Dear Sir/Madam:

Re: Request for Reconsideration

This is further to your letter of September 14th, 2010 in which you asked the Provincial Agricultural Land Commission to reconsider Resolution #2475/2010.

The Commission has reconsidered the matter and has attached the Minutes of Resolution #2699/2010 outlining its latest decision.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

cc: Peace River Regional District File: #43/2010

Enclosure: Minutes/Sketch Plan

MC/51701/d2



A meeting was held by the Provincial Agricultural Land Commission on October 20th, 2010 at Fort St. John, B.C.

PRESENT:	Richard Bullock	Chair
	Jim Collins	Commissioner
	Lucille Dempsey	Commissioner
	Denise Dowswell	Commissioner
	Martin Collins	Staff
	Lindsay McCoubrey	Staff

For Consideration

A letter from Phil Stefanyk was received requesting that the Commission reconsider its decision recorded as Resolution #2475/2010. It indicated that the 10.5 ha parcel was not used in conjunction with the adjoining ¼ section and that the amount of hay produced on the parcel only fed 1 – 2 horses.

Application:	51701
Applicant:	Phil Stefanyk
Original proposal:	To subdivide a 3 ha lot from the 10.5 ha parcel.
Original decision:	Refuse as proposed
Current proposal:	To subdivide a 3 ha lot from the 10.5 ha parcel
Legal:	PID 014-263-947 South 1875 Feet of the East 600 feet of the SE ¼, Sec. 6, Twp 78, R 15, W6M, PRD
Location:	West of Dawson Creek

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 its June 3, 2010 site visit, noting that the area proposed for subdivision had excellent agricultural potential. It remained unwilling to subdivide this portion of the property given its good agricultural potential. The subdivision of a 3 ha lot for a homesite would result in the permanent loss of most of the land for agricultural uses for homesite, yard, access, dugouts etc.

That being said the Commission was prepared to allow the subdivision of a smaller homesite of ~1.6 ha to 2 ha from the southerly portion of the property, on the relatively undeveloped hillside portion of the property. It believed that subdivision of a smaller residential lot at the corner of Road 206 and Road 223 was more suitable for retaining the maximum agricultural potential of the property, and mitigating the negative effects of rural residential subdivision on adjoining farm parcels.

IT WAS

MOVED BY: Commissioner J. Collins
SECONDED BY: Commissioner D. 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 request to subdivide a 3 ha lot at the northerly end of the property be refused as proposed,

However the Commission allowed the subdivision of a 1.6 ha – 2 ha lot at the southerly end of the property.

AND THAT the approval is subject to the following conditions:

- the subdivision must be completed within three (3) years from the date of this decision.

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration. 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.

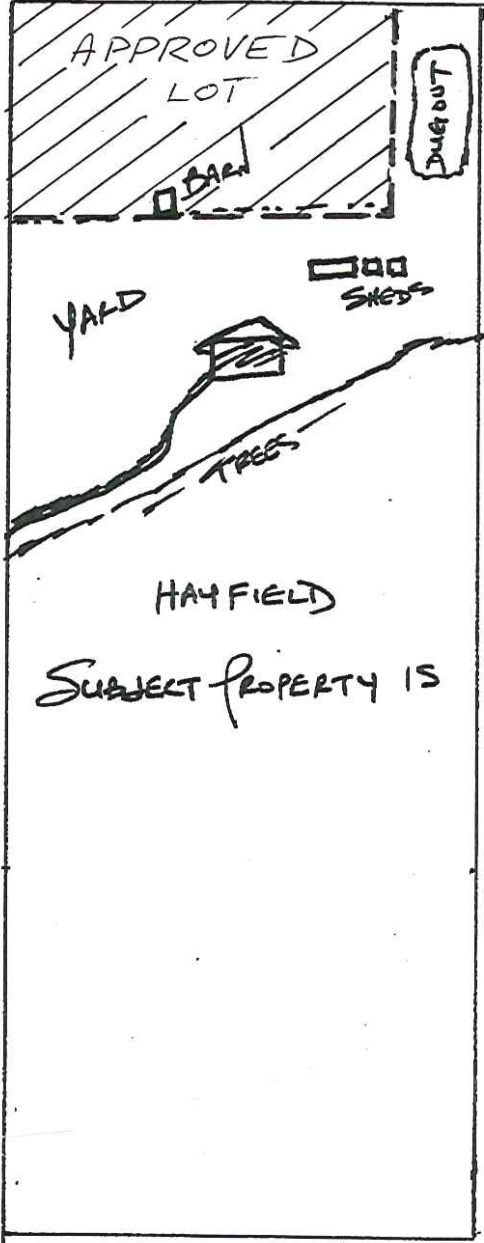
This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED
Resolution #2699/2010

FARMLAND

R-4

ROAD 206



SE 1/4 SEC 6
T 78 R 15

FARMLAND

FARMLAND

ALR APPLICATION # 51701 SKETCH PLAN
RESOLUTION # 2699/2010