



Agricultural Land Commission

133 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
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June 20, 2012

Reply to the attention of Gordon Bednard
ALC File: #51984

Bud Middleton Consulting Ltd.
PO Box 336
Charlie Lake, BC
V0C 1H0

Dear Mr. and Mrs. Middleton:

Re: Reconsideration of an Application to Exclude Land from the ALR

Further to your letters of July 15th and August 2, 2011 in which you requested a reconsideration of the Commission's decision as per Resolution #243/2011, please find attached the Minutes of Resolution #192/2012 outlining the Commission's latest decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in purple ink, appearing to read 'B. Underhill', is written over the 'Per:' label. The signature is fluid and cursive.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Peace River Regional District (File: 125/2009)
9505 – 100th Street, Fort St. John, BC V1J4N4

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PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 17, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Martin Collins	Regional Planner
Gordon Bednard	Land Use Planner
Colin Fry	Executive Director

REQUEST FOR RECONSIDERATION

Letters dated July 15, 2011 and August 2, 2011 were received from Jo and Bud Middleton requesting the Commission to reconsider its decision recorded as Resolution #243/2011 by which the proposal to exclude 108 ha from the ALR was refused.

Application:	#51984
Applicant:	Bud Middleton Consulting Ltd.
Original proposal:	To exclude the 108 ha property from the ALR for rural residential subdivision.
Original decision:	Refused as proposed.
Request:	Reconsideration of the original proposal.
Legal:	PID: 008-462-224 Lot 1, Section 17, Township 85, Range 20, West of the 6 th Meridian, Peace River District, Plan 23632
Location:	West of the Alaska Highway, northwest of Charlie Lake

SITE INSPECTION

A site inspection was conducted on October 12, 2011 by Commissioner Jim Collins and Julie Robinson, Regional Agrologist with the Ministry of Agriculture. Mrs. Middleton was also present. A *Site Inspection Report* was prepared by Commissioner Collins on February 22, 2012 which was provided to the applicants on April 27, 2012.

MEETING WITH APPLICANTS

The Commission members recorded above met with Mr. and Mrs. Middleton in the Commission boardroom on Thursday, May 17, 2012. The majority of the meeting was given over to the Middletons to provide them with the opportunity to present their arguments in support of the reconsideration request. The Middletons led the Commissioner's through the documentation associated with their request. The Middletons' believe the land is not capable of being farmed because of shallow topsoil, rough topography and swampy lowland areas.

LEGISLATIVE CONTEXT FOR CONSIDERATION

Section 33 of the *Agricultural Land Commission Act* provides:

- 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.
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DECISION REGARDING THE REQUEST FOR RECONSIDERATION

The Commission believes Mr. and Mrs. Middleton may have provided evidence that was not available at the time of the original decision. Moreover, the site inspection report prepared by Commission Collins constitutes new information.

As a result it was moved by Commissioner Pranger and seconded by Commission Dyson that there were no persons affected by the reconsideration and that the Commission reconsider Resolution #243/2011. The motion was unanimously approved.

CONCLUSIONS REGARDING THE RECONSIDERATION

After considering the information provided by the Middleton's at the meeting and after reviewing the file the Commission concluded as follows:

1. That the property lies in a rural area, amidst properties of similar size and soil capability;
2. That there are no external factors that render the land unsuitable for agricultural use;
3. That exclusion and subsequent subdivision of the property will adversely impact existing or potential agricultural use of the land;
4. That while the use of the land for agriculture will require overcoming some challenges, the Commission believes that agricultural development is feasible;

5. That the Commission did not endorse the North Peace Fringe Area Official Community Plan bylaw designation associated with the property which supports the subdivision and required that the bylaw clearly indicate the Commission's non support; and
6. That the proposal is inconsistent with the objectives of the *Agricultural Land Commission Act* to preserve agricultural land and encourage farming.

IT WAS

MOVED BY: Commissioner Miles

SECONDED BY: Commissioner Dyson

THAT the original decision to refuse the exclusion application be confirmed.

CARRIED

Resolution #192/2012