



Agricultural Land Commission
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November 8, 2012

ALC File: # 52192

Paul Walter
Samuel Ranch
PO Box 6802
Fort St. John BC
V1J 4J2

Dear Sir:

Re: Reconsideration Request – ALC Resolution # 162/2011

Please find attached the response of the Agricultural Land Commission with respect to your request for reconsideration.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Brian Underhill, Executive Director

Enclosure(s): Response to Request

cc: Peace River Regional District File:154/2010

GB/52192d2



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 20, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to the Request for Reconsideration of Application #52192.

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:

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

REQUEST FOR RECONSIDERATION

The Commission received correspondence dated September 19, 2012 requesting reconsideration of its decision, recorded as Resolution #162/2011, by which the proposal to permit three permanent dwellings on the 245 ha property was conditionally allowed.

Owner:	Samuel Ranch
Agent:	Paul Walter
Original Proposal:	To permit three permanent dwellings on the 245 ha property. (Submitted pursuant to section 20(3) of the <i>Agricultural Land Commission Act</i>)
Legal:	Lot 16, St. John Indian Reserve #172, Township 85, Range 18, West of the 6 th Meridian, Peace River District, Plan 3986, Except Plan 18648 and Plan EPP713
Location:	13805 Rose Prairie Road, north of Fort St. John
Original Decision:	Allow proposal subject to consolidation of the property with the adjoining property to the north – South ½ of Lot 15.
Current Request:	To remove the consolidation condition.

LEGISLATIVE CONTEXT FOR COMMISSION RECONSIDERATION

Section 33 (Reconsideration of decisions) of the *Agricultural Land Commission Act* states:

- 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 has carefully reviewed the request for reconsideration of the consolidation requirement listed as a condition of approval in Resolution # 162/2012. The Commission noted the reasons given for the request and the alternate proposals intended to restrict future housing on the subject and/or adjacent parcels owned by the applicant.

In the experience of the Commission, covenants and/or other legal restrictions on land use have limited effectiveness in preventing non-farm activities in the ALR, while consolidation of properties reaps a long-term net benefit for agriculture by decreasing overall residential density. Consolidation would ensure that no dwellings could be legally constructed on the area of Lot 15 adjacent, due to land use restrictions contained in the *Agricultural Land Commission Act*, regulations and local government zoning. Consolidation would effectively re-balance residential/agricultural land use in the area.

The Commission does not believe that the applicant has provided 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. Disagreement with the terms and conditions of a Commission decision is not in itself a valid reason for reconsideration.

Conclusion: The Commission decided not to reconsider Resolution #162/2012.
