



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
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www.alc.gov.bc.ca

October 22, 2012

ALC File: # 52788

Andrew Hall
Tryon Land Surveying Inc
10201 – 17th Street
Dawson Creek, BC
V1G 4C3

Dear Mr. Hall:

Re: Application to Exclude Land from the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution # 75/2012 as it relates to the above noted application. As agent it is your responsibility to communicate this decision to your client.

The Commission draws your attention to sections 33(1) of the *Agricultural Land Commission Act*. Section 33(1) 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.

A revised proposal does not constitute new evidence and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

Further correspondence with respect to this application should be directed to Gordon Bednard.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in blue ink, appearing to read 'Brian Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure(s): Minutes of Resolution #75/2012

cc: Peace River Regional District Attn: Ken Kalirai file # 78/2012

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 19, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #52788.

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

PROPOSAL

To exclude 54 ha of the 203 ha property in order to facilitate a residential subdivision of the 54 ha area into 11 lots of 4 ha and one lot of 10 ha.

(Application for exclusion submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*)

EXCLUSION MEETING

An exclusion meeting was held at the subject property on August 8, 2012. Those in attendance included Commissioner Collins and staff Gordon Bednard, applicants Russell Walter and Shirley Nahulak and their daughter Shareen Walter.

The applicants and Commission representatives discussed the proposal and toured the proposed exclusion area.

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
 - (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
 - (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

COMMISSION CONSIDERATION

After considering the information in the file, and the observations made by the Commissioner during the site inspection, the Commission concluded as follows:

1. No evidence was presented that the area proposed for exclusion was incapable of supporting agriculture. While the CLI ratings indicate that the area is Class 4 and 5 (secondary) with limitations, other lands with similar ratings in this area are actively farmed, and such lands could also be used for non-soil based agriculture.
2. Zoning and OCP designations do not support exclusion and subdivision of the subject lands.

IT WAS

MOVED BY: Commissioner Miles
SECONDED BY: Commissioner Dyson

THAT the request for exclusion be refused.

CARRIED

Resolution #75/2012