



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

December 14, 2012

ALC File: #52217

Herbert and Katharina Keuth  
PO Box 13  
North Pine BC  
V0C 2A0

Dear Sir and Madam:

**Re: Reconsideration Request – ALC Resolution #386/2011**

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

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

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Brian Underhill', is written over a horizontal line. The signature is fluid and cursive.

Brian Underhill, Executive Director

Enclosure: Response to Request

cc: Peace River Regional District (File: #28/2011)

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## MINUTES OF THE 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 #52217.

### 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

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### REQUEST FOR RECONSIDERATION

The Commission received a letter dated September 4, 2012 requesting reconsideration of its decision recorded as Resolution #386/2011, by which the proposal to subdivide a 1.8 ha lot from the 128 ha property to provide a residential building lot for the owners was refused.

**Owner:** Herbert and Katharina Keuth

**Legal:** PID: 027-358-097  
Parcel A, Section 15, Township 86, Range 18, Peace River District, Plan BCP33750

**Location:** North Pine

**Original Proposal:** Subdivision to create a 1.8 ha lot.  
(Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

**Original Decision:** Refused based on the Commission's opinion that the creation of small residential lots in agricultural areas may lead to conflicts between residential and agricultural land owners.

**Current Request:** Reconsideration of the original proposal. The applicants state that they have no intention of selling the property if created, and that they would be agreeable if the Commission wished to place a covenant on the property such that it could not be sold for 20 years.

#### **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 request for reconsideration and the file material were reviewed by the Commission and it was determined that the request did not contain new evidence that was unavailable at the time of its original decision, nor did was evidence provided to show that the decision was based on information that was in error or false. As such, request for reconsideration does not meet the requirements of Section 33 and therefore reconsideration is not warranted. The original decision under Resolution #386/2011 remains in effect.

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**END**



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November 16, 2011

Reply to the attention of Gordon Bednard  
ALC File:#52217

Katharina and Herbert Keuth  
PO Box 13,  
North Pine BC  
V0C 2A0

Dear Sir and Madam:

**Re: Application to Subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 386/2011 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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Brian Underhill, Executive Director

cc: Peace River Regional District Attn: Jodi Maclean file # 28/2011

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