



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 9, 2013

ALC File: # 53041

Aspen Grove Property Services
104-1001 102 Avenue
Dawson Creek BC
V1G 2B9

Attention Anne Clayton

Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution # 340/2013 as it relates to the above noted application. The Commission has also attached a Sketch Plan depicting the decision. As agent, it is your responsibility to notify your client(s) accordingly.

Further correspondence with respect to this application should 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.

Brian Underhill, Executive Director

Enclosure(s): Minutes of Resolution #340/2013
Sketch Plan

cc: Peace River Regional District Attn: Kole Casey file # 197/2012

53041d2



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 28, 2013 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 #53041.

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

REQUEST FOR RECONSIDERATION

The Commission received a letter dated September 16, 2013 requesting reconsideration of its decision recorded as Resolution #132/2013, by which, the proposal to subdivide 12 lots of 0.42 ha each from the eastern side of the subject property for residential purposes was refused.

Owner: Ivan and Debra Carlson
Agent: Aspen Grove Property Services / Anne Clayton
Original Proposal: Subdivision
 (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)
Original Decision: Refused as proposed
Current Request: Reconsider based on adopted South Peace Fringe Area OCP amendment which showed the area as High Density Residential. This proposal was not objected to by the Commission in its response to the OCP.
Legal: PID: 014-420-155
 SE ¼ Section 28, Township 78, Range 15 W6M Peace River District Exc Plans 6421, 12614, 19688, PGP36424 and BCP7358
Location: North of Dawson Creek on Harper Subdivision Road

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.

DECISION REGARDING THE REQUEST FOR RECONSIDERATION

The Commission believes that the applicant has provided evidence that was not available at the time of the previous decision.

As a result, it was moved by Commissioner Pranger and seconded by Commissioner Gillette that there were no persons affected by the reconsideration and that the Commission reconsider Resolution # 132/2013. The motion was carried unanimously.

COMMISSION CONSIDERATION

The Commission reviewed the submission by Aspen Grove Property Services regarding the South Peace Fringe OCP and the Commission's lack of specific response to the proposed amendment which designated the subject area as high density residential.

After considering the new information the Commission concluded as follows:
That the Commission erred in not specifically commenting on the proposed OCP amendment which led the landowner to conclude that the Commission had no objection to the OCP designation and the high density subdivision of the subject area. The Commission noted this error on its part and will take steps to ensure this does not happen again.

IT WAS

MOVED BY: Commissioner Bullock
SECONDED BY: Commissioner Thibeault

THAT the request for subdivision of the proposed 12 lots (0.42 ha each) from the east side of the subject property be allowed as proposed.

AND THAT the approval is subject to the following condition(s):

1. the subdivision be in substantial compliance with the plan submitted with the application;
2. the subdivision plan must be completed within three years from the date of this decision;

AND FINALLY THAT 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

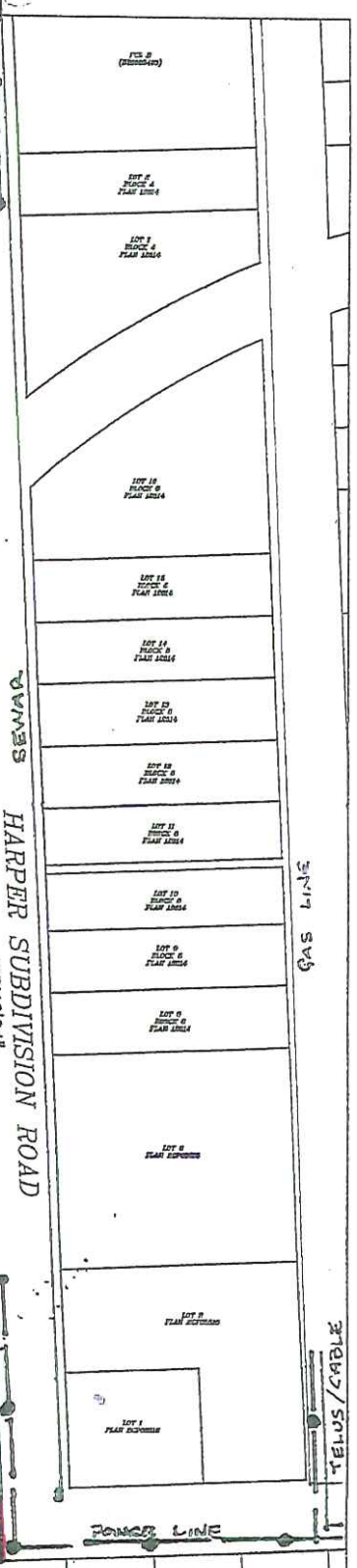
Resolution #340/2013



REMAINDER S.E. 1/4 SECTION 28
TOWNSHIP 78 RANGE 15 W6M

177'42'04" WYVMS

25.000	87°42'09"	121.964	
35.076	PROPOSED LOT 12 0.428 ha.	35.076	
35.083	87°41'57"	121.964	
35.076	PROPOSED LOT 11 0.428 ha.	35.076	
35.083	87°41'46"	121.964	
35.076	PROPOSED LOT 10 0.428 ha.	35.076	
35.083	87°41'35"	121.964	
35.076	PROPOSED LOT 9 0.428 ha.	35.076	
35.083	87°41'23"	121.964	
35.076	PROPOSED LOT 8 0.428 ha.	35.076	
35.083	87°41'12"	121.964	
35.076	PROPOSED LOT 7 0.428 ha.	35.076	
35.083	87°41'00"	121.964	
35.076	PROPOSED LOT 6 0.428 ha.	35.076	
35.083	87°40'49"	121.964	
35.076	PROPOSED LOT 5 0.428 ha.	35.076	
35.083	87°40'38"	121.964	
35.076	PROPOSED LOT 4 0.428 ha.	35.076	
35.083	87°40'26"	121.964	
35.076	PROPOSED LOT 3 0.428 ha.	35.076	
35.083	87°40'15"	121.964	
35.076	PROPOSED LOT 2 0.428 ha.	35.076	
35.083	87°40'04"	121.964	
35.076	PROPOSED LOT 1 0.428 ha.	35.076	



Application # 53041 Resolution # 340/2013



Allowed subdivision

TRYON LAND SURVEYING LTD.
10201 17th Street
Dawson Creek B.C.
PH 250-782-5868

DATE: SEPT. 22, 2010
SCALE: 1:2000
DRAWN BY: TT
FILE #: 2010-430PRO

PROPOSED SUBDIVISION OF
A PORTION OF
REM. S.E. 1/4 SECTION 28
TOWNSHIP 78 RANGE 15 W6M
PEACE RIVER DISTRICT