



Agricultural Land Commission
133-4940 Canada Way
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www.alc.gov.bc.ca

January 29, 2014

ALC File: #52602

Melvin and Ethelann Stewart
PO Box 29
Baldonnel, BC
V0C 1C0

Dear Sir/Madam:

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

Please find attached the minutes of the Commission's discussion about your request for reconsideration.

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

cc: Peace River Regional District File: 167/2012

MC/52602



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on January 23rd 2014 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 #52602.

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
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Gordon Bednard	Land Use Planner
Lindsay McCoubrey	Land Use Planner
Colin Fry	Executive Director

REQUEST FOR RECONSIDERATION

The Commission received a letter dated December 5, 2013 requesting reconsideration of its decision recorded as Resolution #436/2012, by which, the proposal to subdivide a 6 ha lot from the ~56 ha property was refused, but a 2 ha lot was permitted.

Owner: Melvin and Ethelann Stewart

Original Proposal: (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)
To subdivide a 6 ha lot from the 56 ha property for a homesite severance.

Original Decision: Refuse as proposed, but allow a 2 ha lot.

Current Request: To subdivide a 6 ha lot so that a new home can be constructed, and a quarter horse operation with grazing and haying can occur in the applicant's retirement.

Legal: PID: 014-499-916
NW ¼ Section 19, Twp 83, R. 17, W6M, Peace River District
Except Plans 16773, 21958 and BCP3291

Location: Baldonnel

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 request and the file material were reviewed by the Commission and it was determined that the submission did not contain new evidence that was unavailable at the time of its original decision, nor did you provide evidence that the decision was based on information that was in error or false. As such, the submission does not meet the requirements of Section 33 of the *Agricultural Land Commission Act* and therefore a reconsideration is not appropriate.

The Commission discussed that the applicant has the option of arranging a lease agreement prior to or after the subdivision and sale of the remainder to use an additional 4 ha for agriculture (quarter horse operation) for a fixed period or on a renewable basis. However, the Commission believed that a 6 ha lot would likely only be used for agriculture for a limited time, and then would come under future pressure to subdivide into 2 ha lots.

The original decision to allow a 2 ha lot under the conditions of Resolution #436/2012 remains in effect.
