



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

February 21, 2014

ALC File: #53248

Les Whitford
23766 – 24 Avenue
Langley, BC
V2Z 3A2

Dear Sir:

Re: Application to Conduct a Non-Farm Use on Land in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution #72/2014 as it relates to the above noted application. 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 blue ink, appearing to read 'C. Fry', is written over a horizontal line.

Colin J. Fry, Chief Tribunal Officer

Enclosure: Minutes of Resolution #72/2014

cc: Peace River regional District Attn: Ken Kalirai file # 45/2013

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on January 23, 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 #53248.

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	Planner
Jennifer Carson	Planner
Colin Fry	Chief Tribunal Officer

REQUEST FOR RECONSIDERATION

The Commission received correspondence dated December 16, 2013 and January 8, 2014 requesting reconsideration of its decision recorded as Resolution #343/2013, by which, the proposal to re-open the gas station and add a convenience store, restaurant, future campground and truck / rv parking. (all new construction as shown on diagrams received November 7, 2013) was refused.

Owner: Richard, Wanda, Scott and Audrey Robinson

Agent: Les Whitford

Original Proposal: (Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

Original Decision: This property has good agricultural capability (rated class 3-4 X improved). The Commission is always reluctant to encourage non-farm activities on good quality land, preferring to see such activities placed in areas already zoned for commercial/industrial use as agreed to during a public process such as a Community Plan or Bylaw review. In the case of this application, while an automotive service station did exist previously on the property in the area proposed for commercial/industrial development, that use lapsed many years ago, and present OCP designation and Zoning are not consistent with the proposed use. As well, the area previously affected by the former use was much smaller than the area of the existing proposal, and the present proposal includes a much wider range of non-farm use, with a higher potential for conflict with agriculture.

While the Commission appreciates the offer of inclusion into the ALR of an area approximately the same size as the present proposal to mitigate/compensate for the alternate use of this land,

the proposed inclusion area consists of a steep (class7T) slope which would not be usable for agriculture. For these reasons, the Commission has refused the application.

Current Request: Request that the Commission allow for the proposed gas station, restaurant and convenience store on a smaller footprint, more in keeping with the area previously use for those activities. Any future proposals for RV parking and campgrounds would be made at a future date by way of non-farm use application to the Commission.

Legal: PID: 014-898-454
District Lot 1896 Peace River District

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 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 Johnson and seconded by Commissioner Collins that there were no persons affected by the reconsideration and that the Commission reconsider Resolution #343/2013. The motion was carried unanimously.

COMMISSION CONSIDERATION

After considering the new information the Commission concluded as follows:
The current proposal was more in keeping with the original use of that area of the property and as such, would not have a significant negative effect on agricultural operations on the subject or adjacent lands.

IT WAS
MOVED BY: Commissioner Johnson
SECONDED BY: Commissioner Collins

THAT the request for an area of 2 ha to be used for a gas station, restaurant and convenience store be approved on the same footprint as the present closed station.

AND THAT the approval is subject to the following condition:

Approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.

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 #72/2014