



**Agricultural Land Commission**

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August 21, 2015

ALC File: 53851

Paul Peterson  
Box 57, 2815 Alaska Highway, 97N  
Taylor, BC V0C 2K0

Dear Mr. Peterson:

**Re: Reasons for Decision – North Panel, Resolution #240/2015**

This is further to the Agricultural Land Commission (the “Commission”) letter dated August 11, 2015 which forwarded the *Reasons for Decision of the North Panel*, recorded as Resolution #240/2015 (the “Decision”). In its covering letter to you, the Commission advised as follows:

*Please note that pursuant to s. 33.1 of the Agricultural Land Commission Act, the Chair may direct the executive committee to reconsider this panel decision if, within 60 days from the date of this decision, he considers that the decision “may not fulfill the purposes of the commission as set out in section 6 or does not adequately take into account the considerations set out in s. 4.3.*

In my capacity as Chief Tribunal Officer, I am writing to advise you that Commission Chair, Mr. Frank Leonard, has reviewed the *Reasons for Decision of the North Panel*, recorded as Resolution #240/2015 and has referred this matter to the Executive Committee of the Commission under s. 33.1 of the *Agricultural Land Commission Act* (the “ALCA”) which provides the following:

Reconsideration of decisions of panel

- 33.1(1) The chair of the commission may, in writing, direct the executive committee to reconsider a decision made by a panel established under section 11(1) respecting an application or other matter allocated to the panel by the chair of the commission, including a panel's reconsideration of a decision under section 3(1), if
- (a) the chair considers that the decision
    - (i) may not fulfill the purposes of the commission as set out in section 6, or
    - (ii) does not adequately take into consideration the considerations set out in section 4.3, if applicable, and
  - (b) the chair makes the direction to the executive committee within 60 days of the decision being made.
- (2) If the chair of the commission directs the executive committee to reconsider a decision under subsection (1), the chair must give notice of the reconsideration to any person that the chair considers is affected by the reconsideration.

- (3) If the chair of the commission directs the executive committee to reconsider a decision under subsection (1), the executive committee must confirm, reverse or vary the decision.
- (4) For the purposes of subsection (3), the executive committee has all the powers, duties and functions of the commission.
- (5) A decision by the executive committee under subsection (3) is for all purposes a decision of the commission.

The Chair has directed the reconsideration on the basis that he considers that the Decision may not fulfill the purposes of the Commission as set out in section 6 and that the decision does not adequately take into consideration the considerations set out in section 4.3, the latter of which apply in Zone 2. The Chair has also directed me to make clear that this referral to the Executive Committee under s. 33.1(1) is just that, a referral, and does not represent the Chair's final conclusion on the proper outcome of the reconsideration. The final decision by the Executive Committee (consisting of the Chair and the 6 Vice-chairs of the Commission) will be made with each member being responsible for exercising their independent judgment as part of the Executive Committee as a decision-making body after deliberation, discussion and consideration of all the information, evidence and submissions.

The Chair has in his discretion directed that the Peace River Regional District (the "Regional District"), while not entitled to notice under s. 33.1(2), should be given the opportunity to provide any information in addition to that it has already provided in connection with the application, which information is to be provided to the Commission and to yourselves no later than September 11, 2015.

The Chair has also determined that you are a person entitled to notice under s. 33.1(2), and has therefore directed me to notify you of the reconsideration and to give you the opportunity to provide the Commission with any additional evidence and submissions no later than September 18, 2015. The Executive Committee will be considering both the application of section 6 and 4.3 to your application. While you are not required to provide additional evidence and submissions, you are invited to do so. In particular, you may wish to address the following issues:

- (a) The impact of your application on the purposes of the Commission as set out in section 6 of the *ALCA* ("to preserve agricultural land, to encourage farming on agricultural land in collaboration with other communities of interest, 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");
- (b) How section 4.3 applies to your application, including whether and how your application is supported by any of the factors set out in ss. 4.3(b) and (c), and how those factors should properly be applied in this case "in descending order of priority" as required by section 4.3:

4.3 When exercising a power under this Act in relation to land located in Zone 2, the commission must consider all of the following, in descending order of priority:

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- (a) the purposes of the commission set out in section 6;
- (b) economic, cultural and social values;
- (c) regional and community planning objectives.

Once the submission process is complete, the Executive Committee will reconsider Resolution #240/2015 at the first available meeting opportunity.

If you intend to respond, please direct your submission to Laurel Eyton, Land Use Planner at ([laurel.eyton@gov.bc.ca](mailto:laurel.eyton@gov.bc.ca)).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION



Colin Fry, Chief Tribunal Officer

cc: Peace River Regional District (File: #185/2014)

David Merz, Chair, North Panel

Sandra Busche, Member, North Panel

Garry Scott, Member, North Panel

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