



July 31, 2023

ALC File: 52082

**Larry Wade**  
**DELIVERED ELECTRONICALLY**

Dear Larry Wade:

**Re: Reconsideration Request - ALC Resolution #145/2011.**

The North Panel of the Agricultural Land Commission (the “North Panel”) received correspondence dated June 19, 2023 requesting reconsideration of Resolution #145/2011 (Application #52082) (the “Original Decision”), by which the proposal to exclude ~90 ha from the ALR was approved with the condition of rezoning the Properties for medium density residential uses within 3 years from the date of the original decision (April 27<sup>th</sup>, 2011). All members of the North Panel were in attendance.

The North Panel has received three prior time extension requests from the Applicant for this Application, due to the fact that Peace River Regional District (PRRD) would not approve any rezoning of the Properties to “Medium Density Residential” until necessary capacity upgrades to the Charlie Lake sewer system were completed. The Commission has approved these extension requests, and the decision is now valid until December 31, 2023. The Properties under consideration in Application 52082 are currently designated as Community Residential in the North Peace Fringe Area Official Community Plan (NPFA OCP) 2460, 2022.

You have now provided documentation from Peace River Regional District outlining a proposal for a phased approach to exclusion of the Property with PID 010-607-587, as well as your request to remove the condition of rezoning the Properties for medium density residential uses.

The material you provided includes a capacity model for the Charlie Lake sewer system, your reconsideration request, and documents from the PRRD indicating the reluctance to rezone the Property until there is the necessary sewer capacity, and support from the PRRD regarding a phased approach to the development of the Property.

The North Panel considered the Request for Reconsideration pursuant to s. 33(1) of the *Agricultural Land Commission Act* as it was written before March 12<sup>th</sup>, 2020 which provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

*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.*

After reviewing the file material and the Request for Reconsideration, the North Panel determined that the submission would constitute evidence that was not available at the time of the Original Decision, and the information would have been germane to the review of the application by the North Panel. The North Panel concluded that the Request for Reconsideration meets the requirements for reconsideration pursuant to s. 33(1) of the *Agricultural Land Commission Act* as it was written before March 12<sup>th</sup>, 2020 and the request is therefore granted.

Section 33(2) of the *Agricultural Land Commission Act* as it was written before March 12<sup>th</sup>, 2020, provides for the Commission to identify and notify any person(s) that may be affected by reconsideration of Resolution #145/2011.

*33(2) The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

In this circumstance, the North Panel did not consider that there were any persons affected by the reconsideration.

Therefore, in accordance with s. 33(2) of the *Agricultural Land Commission Act*, the North Panel reconsidered Resolution #145/2011 in the context of the above referenced recent correspondence from the PRRD regarding the phased approach to development. The Panel is confident that the PRRD will uphold the intent of the decision to exclude the Property for residential purposes as sewer capacity becomes available and that the Commission's condition of rezoning for residential

is unnecessary prior to excluding the Property. Thus, the Panel finds that removing the condition of rezoning the Properties for medium density residential uses will not have any material impact on the future of the Property with PID 010-607-587.

As the condition of rezoning the Properties for medium density residential uses was the only approval dependent condition relating to the decision, the Commission will begin the exclusion process to remove the Property from the ALR.

Further correspondence with respect to this application is to be directed to [ALC.North@gov.bc.ca](mailto:ALC.North@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION



Janice Tapp, North Panel Chair

cc: Peace River Regional District

52082d4