



Agricultural Land Commission
133-4940 Canada Way
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October 18, 2013

ALC File: # 53122

Garry Laboucane, Wilma Nuyens
PO Box 232
Rock Creek, BC
V0H 1Y0

Dear Sir/Madam:

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

Please find attached the Minutes of Resolution # 287/2013 as it relates to the above noted application.

The Commission draws your attention to Section 33(1) of the *Agricultural Land Commission Act* 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.

A revised proposal does not constitute new evidence and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

Further correspondence with respect to this application is to be directed to Lindsay McCoubrey.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure(s): Minutes of Resolution #287/2013

cc: Regional District of Kootenay Boundary File: E-1144s-04619.200

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on July 17th, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53122.

COMMISSION MEMBERS PRESENT:

Gordon Gillette	Vice-Chair
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Lindsay McCoubrey	Land Use Planner
Colin Fry	Executive Director

PROPOSAL Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*

To subdivide a ~7 ha lot from the 23 ha property as divided by the West Kootenay Power Right of Way.

PROPERTY INFORMATION:

Owner: Garry Laboucane, Wilma Nuyens

Legal: PID: 026-789-922 Lot 1, DL 1144S, SDYD, Plan KAP81783

Location: 1705 Hulme Creek Road, Rock Creek

Size: 23 ha

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
 - (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
 - (c) 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.
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COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

1. The Commission considered the agricultural capability of the subject property.

Conclusion:

The Commission noted that subject property is combined native grassland and improved pasture. The proposed subdivision would sever the best agricultural land from the existing homesite and poorer capability land. The Canada Land Inventory Ratings for the property are 3TP and 5TP indicating that the land has capability for agricultural use with the limiting factors for soil bound agriculture being stoniness and rough topography.

2. The Commission considered the agricultural impacts of the proposed subdivision.

Conclusion:

The Commission noted that the proposed 7 ha lot was a hayfield and that a new homesite would likely be constructed on arable farmland. It is the Commission's experience that if rural residential subdivision is routinely permitted in farm areas, then agricultural development and investment is dampened, and residential pressures increase. The Commission believes that incremental subdivision erodes farm capability and can eventually convert large farm parcels into fractured rural residential estates where little or no farming occurs.

3. The Commission considered its decisions in the surrounding area.

Conclusion:

The Commission recalled that it approved a previous application (35674) in 2005 which created the subject property. The rationale for the subdivision was that the land could be better used as three agricultural small holdings. It was noted that the property was purchased by the applicants in 2010, and that some grazing and hay production is occurring on the property.

The Commission is concerned that if the property were further subdivided there would be increased pressure to continue subdividing into smaller and smaller lots. In addition the lack of local government bylaw provides no guidance for potential parcel sizes or land uses. In view of this, the Commission believes that the property should be retained in its current size and configuration so the land can be used for agriculture. It is the Commission's experience that as parcel size decreases, so does the likelihood of agricultural activity.

IT WAS

MOVED BY: Commissioner Collins
SECONDED BY: Commissioner Gillette

THAT the proposal to subdivide a ~7 ha lot from the 23 ha subject property be refused.

CARRIED

Resolution #287/2013