



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
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www.alc.gov.bc.ca

October 27, 2014

ALC File: 52613

Rolf and Christina Rutishauser
4311 Paradise Valley Road
Box 406
Squamish, BC V8B 0A4

Dear Mr. and Mrs. Rutishauser:

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

Please find attached the Minutes of Resolution #308/2014 as it relates to the above noted application. The Commission has also attached a sketch plan depicting the decision.

Further correspondence with respect to this application should be directed to Eamonn Watson (Eamonn.Watson@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to be 'Colin J. Fry', written over a long, thin horizontal line that spans across the width of the signature area.

Colin J. Fry, Chief Tribunal Officer

Enclosures: Minutes of Resolution #308/2014
Sketch plan

cc: District of Squamish (6410.18.9)

52613d2



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on August 6, 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 #52613.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Gordon Gillette	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner

COMMISSION STAFF PRESENT:

Tony Pellett	Planner
Jennifer Carson	Planner
Eamonn Watson	Planner

REQUEST FOR RECONSIDERATION

The Commission received an email on April 21, 2014 requesting reconsideration of its decision recorded as Resolution #411/2012, by which, the proposal to subdivide the subject property into three (3) lots was refused.

Owners: Rolf Rutishauser and Erika Christina Rutishauser (As joint tenants)

Agent: John Steward

Original Proposal: (Submitted pursuant to s. 21(2) of the *Agricultural Land Commission Act*)

The applicants proposed to subdivide the subject property into three (3) lots of approximately the same size (1.9 hectares). The proposed subdivision would accommodate three (3) titles and allow both of the applicants' sons to own a lot. The proposed configuration of the lots would allow for the existing residences to remain in their current location while also providing access from Paradise Valley Road. The northerly proposed lot would have access from a gazetted road along the northern property boundary and a new residence would be constructed on this lot.

Original Decision: Refused.

Current Request: To reconsider the previous decision (Resolution #411/2012) based on the new information provided as part of the *Agricultural Capability Assessment 4311 Paradise Valley Road, Squamish, BC* report prepared by Eryne Croquet, GIT, P.Ag of Statlu Environment Consulting Ltd. The report provides an assessment of the agricultural capability and feasibility of pursuing agriculture on the subject property.

Legal: PID: 009-362-860
Lot B, District Lot 1247, Plan 10590

Location: 4311 Paradise Valley Road, Squamish

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 Commission believes the applicant has provided evidence that was not available at the time of the previous decision as outlined in the *Agricultural Capability Assessment 4311 Paradise Valley Road, Squamish, BC* report prepared by Eryne Croquet, GIT, P.Ag of Statlu Environment Consulting Ltd.

As a result, it was moved by Commissioner Dempsey and seconded by Commissioner Thibeault that there were no persons affected by the reconsideration and that the Commission reconsider Resolution #411/2012. The motion was carried unanimously.

COMMISSION CONSIDERATION

After considering the new information the Commission concluded as follows:

The *Agricultural Capability Assessment 4311 Paradise Valley Road, Squamish, BC* report prepared by Eryne Croquet, GIT, P.Ag of Statlu Environment Consulting Ltd. indicates that, after a thorough site inspection, the agricultural capability ratings were substantially lower than those identified on the Canada Land Inventory agricultural capability mapping on which the Commission relied when it initially reviewed the application.

According to Ms. Croquet the site inspection demonstrated that the majority of the property was in fact Class 7 land with limitations of stoniness and moisture deficiency. The Commission noted that the subject property was unique in the area with respect to the impact river deposits have had on the land.

Conclusion:

In this particular case, and in part due to this low agricultural capability rating, the Commission does not believe that the subdivision of the subject property will have an adverse impact on agriculture in the area. The Commission believes that subdividing the subject property will not adversely impact agriculture.

IT WAS
MOVED BY: Commissioner Dempsey
SECONDED BY: Commissioner Thibeault

THAT the request to subdivide the subject property into three (3) lots of approximately equal size be approved.

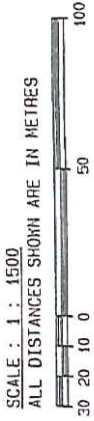
AND THAT the approval is subject to the following conditions:

1. the subdivision must be in substantial compliance with the plan submitted with the application; and
2. the subdivision plan must be completed within three years from the date of the Commission's letter communicating this decision.

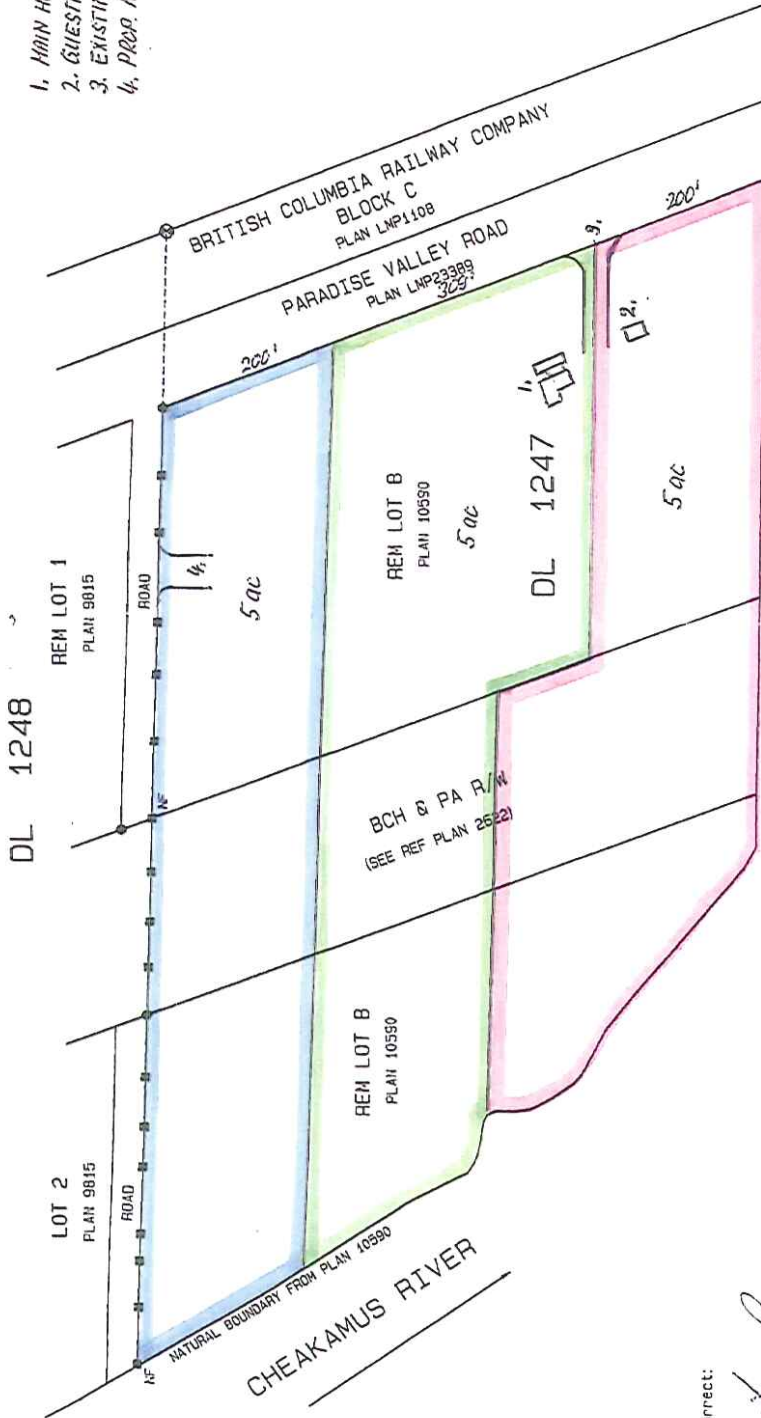
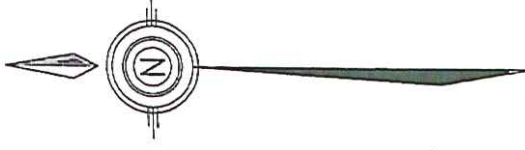
AND FINALLY THAT this decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED
Resolution #308/2014

PLAN SHOWING STAKES SET ON THE NORTH BOUNDARY OF LOT B, EXCEPT PART IN PLAN LMP23389, DISTRICT LOT 1247, GROUP 1, NEW WESTMINSTER DISTRICT, PLAN 10590.



- 1. MAIN HOUSE
- 2. GUESTHOUSE
- 3. EXISTING DRIVEWAY
- 4. PROP. NEW DRIVEWAY



- NF Denotes Nothing Found
- Denotes Iron Post Found
- ⊙ Denotes Capped Post Found
- Denotes Wood Stake Set

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 THIS DOCUMENT IS NOT VALID UNLESS
 ORIGINALLY STORED AND SEALED.

Certified correct:

Martin N. Jones
 Martin N. Jones, B.C.L.S.
 FEBRUARY 6, 2008

BUNBURY & ASSOC.
 PROFESSIONAL B.C. LAND SURVEYORS
 SUITE 101 604-932-3720 WHISTLER 604-932-3770
 SK-9734 FB 1926, FJ 76-61, FILE 2008-106 DAT

ALC Application #52613
 Subdivision allowed by
 Resolution #308/2014