

Agricultural Land Commission

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www.alc.gov.bc.ca

May 4, 2009

Reply to the attention of Ron Wallace ALC File: YY-38276

Linda Ronayne Site 2 - Comp 0 - Erickson Road Pemberton, BC - V0N 2L2

Dear Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #121/2009 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Erik Karlsen, Chair

Enclosure: Minutes

CC:

RW/

i/YY-38276d1

A meeting was held by the Provincial Agricultural Land Commission on April 22, 2009 in Whistler, B.C.

PRESENT:

Sylvia Pranger

Chair, South Coast Panel Commissioner

Michael Bose John Tomlinson

Commissioner

Tony Pellett

Staff

For Consideration

Application:

YY- 38276

Applicant:

Linda Ronayne

Proposal:

To modify the boundary between a 9.1 ha parcel and a 12.8 ha parcel

to create a 19.6 ha farm parcel and a 2.3 ha parcel containing the

existing residence of a family member.

Legal:

PID: 011-630-213

Lot 5, District Lot 183, Lillooet District, Plan 1417

PID: 011-630-221

Lot 6, District Lot 183, Lillooet District, Plan 1417

Location:

Erickson Road, Pemberton Meadows

Site Inspection

A site inspection was conducted on April 23, 2009. Those in attendance were:

Sylvia Pranger

Chair, South Coast Panel

Michael Bose

Commissioner

John Tomlinson

Commissioner

Tony Pellett

Staff

Linda Ronayne

Applicant

The Commissioners and staff met with Ms. Ronayne at the site of the family member residence. It was observed that to the east of the residence the Lillooet River is now substantially farther east than shown on Plan 1417. Ms. Ronayne confirmed that the river has moved incrementally over many years. Staff advised that where a river has moved incrementally (rather than suddenly taking a new course in a single freshet event), there is a *Land Title Act* provision for including the accreted land in a new survey plan. Ms. Ronayne advised that she owns and farms the 18 ha parcel on which she lives [Lot A...Plan 40704] and that she also owns and farms Lots 4, 5 and 6...Plan 1417 except for the area immediately around the family member residence. She plans to continue farming thus the proposed lot has been drawn to encompass as little as possible of the farmed area. In response to a question from the Commissioners she confirmed that the driveway to the residence runs along the dyke and that the land to the east of the dyke does not currently form part of her land.

Staff subsequently noted that current mapping shows that the Lillooet River has also eroded the north side of Lot 6 and a portion of Lot 5, and that under current Land Title rules the eroded land must be deleted from the title at the time of subdivision. The mapping appears to show that the area of accreted land is greater than the area of eroded land.

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

- 1. to preserve agricultural land
- 2. to encourage farming on agricultural land in collaboration with other communities of interest, and
- 3. 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.

Discussion

Assessment of Agricultural Capability

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. In the Pemberton Valley, the ratings are taken from the *Soil survey of the Pemberton Valley, British Columbia January 1980* (Resource Analysis Bulletin 16).

The agricultural capability of the soil of the subject property is dominantly improvable to Class (2) adjoining the Lillooet River and Class (1) farther away from the river.

Assessment of Agricultural Suitability

The Commission assessed whether external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external factors that render the land unsuitable for agricultural use.

Assessment of Impact on Agriculture

The Commissioners also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commissioners considered that the creation of a rural residential lot as proposed would reduce the agricultural potential of the total property to an unacceptable level. The Commissioners considered that it would be possible to reduce but not totally eliminate the impact of the proposal by creating a rural residential lot consisting primarily of accreted land plus a minimal area along the driveway and around the residence and septic field. The Commissioners concluded that the only way to ensure an overall benefit to agriculture would be to extend the proposed consolidation to encompass both Lots 4 and 5 with the remainder of Lot 6.

Conclusions

- That the land under application has agricultural capability and is appropriately designated as ALR.
- 2. That the land under application is suitable for agricultural use.
- 3. That the proposal will impact agriculture.
- 4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.
- 5. That it would be possible to modify the proposal in a way which would not only reduce the impact of creating a parcel for the existing residence but also create a long term benefit for agriculture.

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IT WAS

MOVED BY:

Commissioner Tomlinson

SECONDED BY:

Commissioner Bose

THAT the application to resubdivide the land be refused as submitted:

AND THAT the applicant be advised that the Commission would be prepared to allow a resubdivision of Lots 4, 5 and 6...Plan 1417 provided that it

- extends to the current natural boundary of Lillooet River.
- defines the western boundary of the most easterly parcel so as to avoid existing farmland while encompassing the existing driveway, residence and curtilage (including septic field) together with accreted land not surveyed as part of the original Lot 6, and
- consolidates the balance of Lots 5 and 6 with Lot 4...Plan 1417;
- AND THAT the applicant be advised that the Commission has no preference as to whether all or part of the accreted land to the north of the family member residence and curtilage forms part of the rural residential parcel or of the consolidated farm parcel, provided that the boundary is located with a view to encouraging the eventual preparation of most of the accreted land for agricultural production;
- AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.
 - S.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.
 - (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.

AND THAT the applicant be advised that

- a substantially revised proposal does not constitute new information and will not be considered as a basis for reconsideration and
- the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

CARRIED Resolution #121/2009