



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

8th December 2010

Reply to the attention of Ron Wallace
ALC File 51608

Rosemary Hughes
RR 1 Site 2B C19
Nakusp, BC
V0G 1R0

Dear Ms. Hughes:

Re: Request for Reconsideration

This is further to your letter of 12th October 2010 in which you asked the Provincial Agricultural Land Commission to reconsider Resolution #2512/2010.

The Commission has reconsidered the matter and has attached the Minutes of Resolution # 2784/2010 outlining its latest decision. As agent, it is your responsibility to notify your client(s) accordingly.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

The Commission would be interested in learning about your progress in applying John Seymour's self sustainability principles. It therefore hopes to hear from you in this regard in the course of time.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Brian Underhill', written over a white background.

Brian Underhill, Executive Director

cc: Regional District of Central Kootenay (4035-20-A1001K-02573.000)

Enclosure: Minutes
rc/51608d2



A meeting was held by the Provincial Agricultural Land Commission on 17th November 2010 in Nelson, BC

PRESENT:	Richard Bullock	Chair of Commission
	Barry Minor	Chair, North Panel
	Jerry Thibeault	Commissioner
	Gordon Gillette	Commissioner
	Roger Cheetham	Staff

For Consideration

A letter from the agent for the applicant was received requesting that the Commission reconsider its decision recorded as Resolution #2512/2010. The letter indicated that the size of the subdivision was proposed to be reduced from 4 ha to 1ha. The request also provided new information relating to the intended use of the subdivision based on the principles of John Seymour in his book "Self Sufficient Life and How to Live it".

Application:	51608
Applicant:	Larissa and Francis Hughes
Agent:	Rosemary Hughes
Original proposal:	To adjust the boundaries between a 0.1 ha and a 20.4 ha property to create parcels of 4.0 and 16.5 ha.
Original decision:	Refused
Current proposal:	To consolidate two parcels 0.1 ha and 20.4 ha in size and create two parcels 1.0 and 19.5 ha in size.
Legal:	PID: 012-980-773; Lot 1, DL 7903, Kootenay District Plan 969, Except Part included in SRW Plans 1028 and 9553
Location:	1209 Highway 3

Site Inspection

A site inspection was conducted on 17th November 2010. Those in attendance were:

- Richard Bullock Chair, Commission
- Barry Minor Vice Chair, Kootenay Panel
- Jerry Thibeault Commissioner
- Gordon Gillette Commissioner
- Roger Cheetham Staff
- Rosemary Hughes Agent

The Commission noted that the proposed subdivision was located in the corner of the property on land with lower soil capability than the bulk of the property. It noted that this corner is not at present used for agriculture. Ms. Hughes explained that she wanted to farm this corner intensively following the self sustainability principles outlined in John Seymour book "Self Sufficient Life and How to Live it".

Context

The proposal was considered under Section 33 of the Agricultural Land Commission Act (the "Act") which states:

- S33(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, or
 - (c) a recommendation by a facilitator under section 13 relating to a dispute warrants a reconsideration of the original decision.

The Commission believed that the applicant had provided evidence that was not available at the time of the original decision and so reconsidered the application.

Discussion

The Commission noted that the reconfiguration would not result in an increase in the number of lots and that the corner proposed for the subdivision was somewhat isolated from the main farm operation and was not at present used as part of the farm. It concluded that the new proposal would not be prejudicial to agricultural interests and if farmed as intended it could result in the productive use of this corner of the property to the benefit of agriculture.

IT WAS

MOVED BY: Commissioner G. Gillette
SECONDED BY: Commissioner B. Minor

THAT for the purposes of Section 33(2) of the *Agricultural Land Commission Act*, there are no persons it considers affected by the reconsideration.

AND THAT the request for subdivision be approved.

AND THAT the approval is subject to the following conditions:

- The subdivision being limited to not more than 1ha to be located in the north western corner of the subject property and to be consolidated with the existing 0.1 ha parcel.
- the subdivision must be completed within three (3) years from the date of this decision.

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 # 2784/2010