



Agricultural Land Commission
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August 23, 2012

Reply to the attention of Lily Ford
ALC File: #52699

Raymond and Teresa Soh
6893 – 120th Street
Delta, BC
V4E 2A8

Pamela Grandmaison
1860 Queen Street
Abbotsford, BC
V2T 6J1

Dear Mr. / Ms. Soh and Ms. Grandmaison:

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

Please find attached Minutes of Resolution #299/2012 outlining the Commission's decision as it relates to the above noted application. The Commission draws your attention to sections 33(1) and 30.1 of the *Agricultural Land Commission Act*.

SECTION 33(1) - RECONSIDERATION OF DECISIONS

Section 33(1) of the *Agricultural Land Commission Act* 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 information 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.

SECTION 30.1 – CHIEF EXECUTIVE OFFICER MAY REFUSE APPLICATIONS

Section 30.1 of the *Agricultural Land Commission Act* provides the Chief Executive Officer with the ability to refuse repeat applications that are of a substantially similar nature and have been previously refused by the Commission.

- 30.1 (1) In this section, "application" means an application for a non-farm use under section 20, for a subdivision under section 21 or for exclusion under section 30.
- (2) Despite any other provision of this Act, on an application, the chief executive officer may refuse permission if
- (a) within 5 years immediately preceding the application, a previous application was refused permission by the commission,
 - (b) the previous application was made on or after the date this section comes into force,
 - (c) the land, or a part of the land, that is the subject of the application is the same as the land, or part of the land, that was the subject of the previous application, and
 - (d) the chief executive officer considers that the application is substantially the same as the previous application.
- (3) A refusal of permission by the chief executive officer under subsection (2) is a decision of the commission for the purposes of this Act.

Section 30.1(2)(b) of the *Agricultural Land Commission Act* came into force on November 24, 2011. This application was made on February 6, 2012 which corresponds with the date of submission to the Regional District of Kootenay Boundary.

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:


Brian Underhill, Executive Director

cc: Regional District of Kootenay Boundary (File: E-1144s-04619.100)



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on July 20, 2012 at the offices of the Commission located at 133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

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

COMMISSION STAFF PRESENT:

Lily Ford	Land Use Planner
Colin Fry	Executive Director

APPLICATION ID: #52699

PROPOSAL: Subdivision of a 39.6 ha parcel into eighteen (18) 0.4 ha parcels, one (1) 2.4 ha parcel and a 23 ha remainder.

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

COMMISSION CONSIDERATION:

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission as (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.

After reviewing the file information the Commission concluded as follows:

The agricultural capability ratings identified on Canada Land Inventory (CLI) map 82E/3 are Class 4 and 6. The subclass limitations associated with the agricultural capability ratings are (P) stoniness and (T) topography.

Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

Class 6 – Land in this class is non-arable but is capable of producing native or uncultivated perennial forage crops.

It is recognized that not all agricultural land is capable of or suitable for producing all agricultural products, regardless of the level of management applied. Soils with all of their variability are also a key limiting factor. Depending upon its properties and characteristics, some agricultural land may sustain production of certain agricultural products, but not others. It is important to note that the measure for assessing the capability and suitability of land for agriculture is not exclusively the CLI mapping. While the agricultural capability ratings applicable to the subject property suggest that soil based agriculture is limited, the land is well suited to extensive livestock activities.

The applicant suggests that the subject property will not support a cattle ranch because of its size. However, many ranches are comprised of multiple parcels to facilitate sustainable operations. The current size of the subject property could form a building block of a larger ranch operation. Subdivision as proposed would all but eliminate the suitability of the land for extensive livestock activities.

Conclusion: The land is both capable and suitable for agriculture use.

Conclusion: Subdivision as proposed would significantly diminish the capability and suitability of the land for agricultural use.

Conclusion: Subdivision as proposed would represent a residential intrusion into an area that is suitable for extensive livestock operations.

IT WAS

MOVED BY: Commissioner Gillette

SECONDED BY: Commissioner Dempsey

THAT the application be refused.

CARRIED

Resolution # 299/2012