



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

October 19, 2012

ALC File: # 52723

Tim Laponder
RR 1 Comp 3
Falkland, BC
V0E 1W0

Dear Mr. Laponder:

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

Please find attached the Minutes of Resolution # 87/2012 as it relates to the above noted application. The Commission draws your attention to sections 33(1) of the *Agricultural Land Commission Act*.

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 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 should be directed to Ron Wallace.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'K. Underhill', is written over the printed name of the Executive Director.

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #87/2012

cc: Columbia-Shuswap Regional District (LC2461)



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 20, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #52723.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner

COMMISSION STAFF PRESENT:

Ron Wallace	Land Use Planner
Eamonn Watson	Land Use Planner
Brian Underhill	Executive Director

PROPOSAL

To subdivide approximately 1 ha off the 27.5 ha subject property. The applicant proposes to seek consideration by the Approving Officer under Section 946 of the Local Government Act if the application is approved by the Commission.

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

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.

COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

1. The agricultural capability ratings identified on Canada Land Inventory (CLI) map 82L/6 are Class 4, 5 and with moisture deficiency, topography and stoniness as limiting factors.
 - Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.
 - Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

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

Conclusion: While recognizing that the subject property has some limitations for agriculture, as noted; the land has capability for agricultural use as demonstrated by the land's current use for pasture and a hayfield.

2. The creation of a rural residential lot for a family member under Section 946 of the Local Government Act.

Conclusion: The increase in rural residential parcels within or adjacent to a farm area tends to reduce rather than enhance agricultural activity. It is the Commission's experience that as the number of residences increase, trespass and conflict also tend to increase, and agricultural activity declines. In this case the Commission believes that the location of the proposed lot will intrude and negatively affect the agricultural potential of the subject property.

3. The Commission noted the applicant referred to section 946 of the Local Government Act (LGA) as a factor in support of the request to subdivide the subject property. Section 2 of the ALC Act establishes primacy of the ALC Act over other legislation. More specifically:

2(1) This Act and the regulations are not subject to any other enactment, whenever enacted, except the *Interpretation Act*, the *Environment and Land Use Act* and the *Environmental Management Act* and as provided in this Act.

Conclusion: The consideration of Section 946 of the LGA in support of the subdivision proposal is inconsistent with the purposes of the ALC.

IT WAS

MOVED BY: Commissioner Bullock

SECONDED BY: Commissioner Miles

THAT the request for subdivision of a ~1 ha lot off the subject property be refused.

AND THAT the applicant be advised that a revised proposal does not constitute new evidence and will not be considered as a basis for reconsideration, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration.

CARRIED

Resolution #87/2012