



Agricultural Land Commission
133 – 4940 Canada Way
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August 22, 2012

Reply to the attention of Lily Ford
ALC File: #52751

Brian and Cheryl Greenwood
7816 Clarricoates Road
Kimberley, BC
V1A 3L5

Dear Mr. and Ms. Greenwood:

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

Please find attached the Minutes of Resolution #298/2012 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 March 12, 2012 which corresponds to the date of submission to the Regional District of East Kootenay.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:


Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of East Kootenay

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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:

Gordon Gillette	Chair
Jim Collins	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jerry Thibeault	Commissioner

COMMISSION STAFF PRESENT:

Lily Ford	Land Use Planner
Colin Fry	Executive Director

APPLICATION: # 52751

PROPOSAL: Subdivision of a 32 ha parcel into two 8.0 ha parcels and a 16.0 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 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.

After review of all file information presented the Commission has concluded as follows:

1. The parcel has good agricultural capability as indicated by a CLI rating of 4SP improvable to 3P.
2. There are no external factors that render the land unsuitable for agricultural use.
3. Subdivision would adversely impact the agricultural potential of the subject property, which is more useful as a larger parcel.
4. The proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Collins

SECONDED BY: Commissioner Gillette

THAT the application be refused.

CARRIED

Resolution # 298/2012