



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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[www.alc.gov.bc.ca](http://www.alc.gov.bc.ca)

December 18, 2012

ALC File: # 52613

John Steward  
c/o Hayes Notary Corporation  
38164 Cleveland Avenue  
Squamish, BC  
V8B 0B6

Dear Mr. Steward:

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

This letter is further to a letter from the Agricultural Land Commission (the "Commission") dated December 10, 2012. It has come to the Commission's attention that the Minutes of Resolution #411/2012 attached to the previous letter incorrectly recorded the Resolution as approved. Please be aware, Resolution #411/2012 refused the application to subdivide the subject property.

Please find attached a correct copy of the Minutes of Resolution # 411/2012 as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

The Commission draws your attention to Section 33(1) of the *Agricultural Land Commission Act* which 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 is to be directed to Eamonn Watson ([Eamonn.Watson@gov.bc.ca](mailto:Eamonn.Watson@gov.bc.ca)).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #411/2012

cc: District of Squamish (6410.18.9)  
Erika & Rolf Rutishauser, 4311 Paradise Valley Rd, Box 406, Squamish, BC, V8B 0A4

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## 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 #52613.

### COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

### COMMISSION STAFF PRESENT:

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

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### PROPOSAL

To subdivide the subject property into three (3) approximately 1.9 hectare lots. The proposed subdivision would allow the applicants' to provide each of their two sons with a lot. The proposed lot configuration would allow for the existing residences to remain in their current location while also providing access from Paradise Valley Road. The northerly proposed lot would gain access from a gazetted road along the northern property boundary and a new residence would be constructed on this lot.

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

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### 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. To assess the agricultural capability of the property, the Commission referred to Canada Land Inventory (CLI) mapping, 'Land Capability Classification for Agriculture in Canada' system. The improved agricultural capability rating applicable to the subject property is:

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

The subclass limitations are (M) moisture deficiency (droughtiness) and (P) stoniness.

**Conclusion:** The property is comprised of land with good agricultural capability.

2. The mandate of the Commission is to preserve agricultural land and to encourage farming within the Agricultural Land Reserve. The applicant does not provide any agricultural rationale for the proposed subdivision.

**Conclusion:** The proposed subdivision is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve and encourage agriculture.

## IT WAS

**MOVED BY:** Commissioner Dyson

**SECONDED BY:** Commissioner Miles

THAT the request be refused.

## CARRIED

**Resolution #411/2012**