



Agricultural Land Commission
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April 8, 2013

ALC File: #52860

Roger & Cheryle Huscroft
3726 – 8th Street
Creston, BC V0B 1G2

Dear Mr. & Mrs. Huscroft:

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

Please find attached the Minutes of Resolution #79/2013 as it relates to the above noted application.

Further correspondence with respect to this application is to be directed to Lindsay McCoubrey (lindsay.mccoubrey@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Brian Underhill, Executive Director

Enclosures: Minutes of Resolution #79/2013

cc: Regional District of Central Kootenay (File: 4810-20-A1212B-04089.000)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 21, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #52860.

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:

Roger Cheetham	Regional Planner
Lindsay McCoubrey	Land Use Planner
Eamonn Watson	Land Use Planner
Colin Fry	Executive Director

PROPOSAL

To subdivide the 23.9 ha subject property into one 4.0 ha lot and a 19.9 ha pursuant to the Commission's *Homesite Severance Policy*.
(Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

Owner: Roger and Cheryle Huscroft

Legal: PID: 015-191-851
Lot 2, District Lot 1269, Kootenay District, Plan 2492

Location: Lister, Regional District of Central Kootenay

Size: 23.9 ha

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.
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COMMISSION CONSIDERATION

The Commission initially reviewed the application material during its January 2013 meeting. It was noted at that time that the applicant indicated eligibility for consideration under the *Homesite Severance Policy* (the "Policy").

The applicants wrote that while the subject property has been in the Huscroft family since prior to the establishment of the Agricultural Land Reserve (ALR) on December 21, 1972, the property was not registered to the applicants until 1973. The property was originally in the name of the applicant's (Roger Huscroft) mother, Francis Huscroft. The applicant could not afford to buy the property at the time of sale which predated the ALR, and as a solution, Charles and Ruth Huscroft (the applicant's aunt and uncle) purchased the property with the intent to sell to the current owners (Roger and Cheryle Huscroft) when they were in a financial position to do so. The property was registered in the names of Roger and Cheryle Huscroft in 1973. Considering the history of the property and the intent of the Policy, the Commission deferred the application and requested that the applicant provide additional documentation that could corroborate the intent of the transaction.

The Commission received a signed affidavit from Burt Huscroft, dated March 8, 2013, indicating that the original sale of the property from Francis Huscroft to Charles and Ruth Huscroft was done with the intention that Charles and Ruth Huscroft would sell the property to Roger and Cheryle when financing allowed. The Commission reviewed this documentation and concluded that the application met the intent of the Policy.

After considering the information the Commission concluded as follows:

1. The intent of the Policy is to provide a consistent approach for considering situations where property under application has been the principal residence of the applicant as owner-occupant since December 21, 1972 and the applicant wishes to dispose of the parcel but retain a homesite on the land.

Conclusion: The evidence provided by the applicants pertaining to the circumstances regarding their acquisition of the property is sufficient to allow consideration of the subdivision proposal pursuant to the Policy.

2. The Commission noted that a potential lot encompassing the access route, garage, a small yard and the residence would be approximately 0.8 ha. The proposed 4.0 ha lot is larger than what is generally accepted as a homesite under the Policy.

Conclusion: The Commission is willing to work with the applicants to either create a small lot surrounding the existing residence, small yard and garage on the southern portion of the subject property or to create a lot of equivalent size on the northern portion of the property with access from 12th Street.

IT WAS

MOVED BY: Commissioner Gillette

SECONDED BY: Commissioner Miles

THAT the proposal to subdivide the 23.9 ha subject property into one 4.0 ha lot and a 19.9 ha lot under the *Homesite Severance Policy* be refused as proposed.

AND THAT the Commission is prepared to consider an alternate subdivision of approximately 0.8 ha in size, either encompassing the existing residence, or on the northern portion of the subject property fronting 12th Street.

AND FINALLY THAT the Commission's consideration of an alternate subdivision will be done at its next available meeting following receipt of a revised proposal from the applicants.

CARRIED

Resolution #79/2013