



Agricultural Land Commission
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December 13, 2012

ALC File: # 52877

Monroe Hunsicker
RR#2, 4865 Floyd Road
Invermere, BC
VOA 1K2

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

Please find attached the Minutes of Resolution # 454/2012 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 ALC Staff member Ron Wallace.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #454/2012

cc: Columbia Shuswap Regional District)LC2471)



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 21, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #52877.

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:

Martin Collins	Regional Planner
Ron Wallace	Land Use Planner
Colin Fry	Executive Director

PROPOSAL

To subdivide the subject property along Golden Donald Upper Road, into a new lot of ~20.5 ha (proposed Lot A) and a remainder lot of ~36.0 ha. The owners would like to keep the remainder lot and sell the proposed new lot to their daughter.

(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 82N/6 for the subject property are approximately 50% Class 3 with cumulative and minor adverse characteristics as the limiting factor. Approximately 20% of the property is Class 4 with stoniness as a major limiting factor and topography as a minor limiting factor.

Approximately 30% of the property is Class 6 and 7 with topography and stoniness as limiting factors.

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

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 and or uncultivated perennial forage crops.

Class 7 – Land in this class has no capability for arable or sustained natural grazing

Conclusion:

The CLI rating for the cultivated portion of the property is 3X which indicates the land is capable of producing a fairly wide range of crops under good management practices.

2. The proposal to subdivide the subject property along Golden Donald Upper Road to create a separate lot on both sides of the road under section 21(2) of the *Agricultural Land Commission Act*.

Conclusion:

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land. In the Commission's view, reduction of parcel size generally reduces the available options for agricultural use. The Commission believed that the subject property has more agricultural potential as it currently exists and that the proposed subdivision would negatively impact the agricultural opportunities available to the subject property in the long-term.

Further, the Commission believed the proposal, if permitted, has the potential to raise area landowner expectations that further subdivision may be permitted. Heightened expectations have the effect of attracting landowners whose interests may be focused on future subdivision rather than agricultural activity.

The intent of the Act is to preserve and protect agricultural lands and farm communities in the long-term and the Commission felt that subdivision of the subject property as proposed was not in keeping with that mandate.

IT WAS

MOVED BY: Commissioner Gord Gillette

SECONDED BY: Commissioner Sylvia Pranger

THAT the application to subdivide the subject property along Golden Donald Upper Road, into a new lot of ~20.5 ha (proposed Lot A) and a remainder lot of ~36.0 ha 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 #454/2012