



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
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www.alc.gov.bc.ca

May 24, 2013

ALC File: #53054

Warner & Dianne Einer
2324 Brisco Road (Box 15)
Brisco, BC
VOA 1B0

Dear Mr. & Mrs. Einer:

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

Please find attached the Minutes of Resolution #42/2013 as it relates to the above noted application.

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 Lindsay McCoubrey.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Brian Underhill', is written over a large, stylized, looping flourish that extends across the width of the signature line.

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #42/2013

cc: Regional District of East Kootenay (File: P 711 604)



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on February 19, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53054.

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:

Lindsay McCoubrey	Land Use Planner
Eamonn Watson	Land Use Planner
Colin Fry	Executive Director

PROPOSAL

To subdivide the 51.1 ha subject property into two 8.0 ha lots and one 35.1 ha lot.
(Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

Owner: Beverley and Warner Einer

Legal: PID: 006-547-711
District Lot 11385, Kootenay District, Except Parcel A (Reference Plan 97462I)

Location: Brisco, Regional District of East Kootenay

Size: 51.1 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

After considering the information the Commission concluded as follows:

1. The *Steamboat-Jubilee Mountain Official Community Plan* major goals include:
 - a. Preserve the rural character of the area by concentrating development near existing development nodes.
 - b. Protect and enhance agricultural operations within the plan area by supporting agriculture and encouraging growth and settlement in development nodes and minimizing encroachment impacts of development on farm and range lands.

Conclusion: The subdivision is inconsistent with the major goals of the *Steamboat-Jubilee Mountain Official Community Plan*.

2. Section 4.3 'General Policies' of the *Steamboat-Jubilee Mountain Official Community Plan* includes the following:
 - a. In order to maintain a compact footprint, new development is directed to the existing development nodes of Edgewater, Brisco, Spur Valley and Spillimacheen.
 - b. Parcels outside of existing development nodes that have not been designated for expansion of such nodes are not supported for subdivision below the minimum parcels size permitted by the current zoning.
 - c. Notwithstanding the minimum parcel area requirements of the zoning bylaw, subdivision to a parcel size smaller than 242 hectares on the west side of the Columbia River is not generally supported.

Conclusion (a): The subject property is on the west side of the Columbia River, where subdivision is not generally supported.

Conclusion (b): The subject property is within close proximity to Brisco, an area identified in the General Policies of the *Steamboat-Jubilee Mountain Official Community Plan* as where new development should be concentrated.

IT WAS
MOVED BY: Commissioner Pranger
SECONDED BY: Commissioner Dyson

THAT the proposal to subdivide the 51.1 ha property into two 8.0 ha lots and one 35.1 ha lot be refused.

CARRIED
Resolution #42/2013