



Agricultural Land Commission
133-4940 Canada Way
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www.alc.gov.bc.ca

February 24, 2014

ALC File: #53418

Margaret Handley
26-150 Tamarac Avenue
Fruitvale, B.C. V0G 1L1

Dear Ms. Handley:

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

Please find attached the Minutes of Resolution #48/2014 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 white background.

Brian Underhill, Executive Director

Enclosures: Minutes of Resolution #48/2014

cc: Kootenay Boundary Regional District (File # A-7194-08867.000)



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on January 23, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53418.

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
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Lindsay McCoubrey	Planner
Liz Sutton	Planner
Jennifer Carson	Planner
Colin Fry	Executive Director

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

To subdivide the 48.4 ha subject property into one (1) 32.4 ha lot and two (2) 8 ha lots.

PROPERTY INFORMATION:

Owner: Margaret Handley

Legal: PID: 016-443-233
District Lot 7194, Kootenay District, Except Parcel 1 (70931)

Location: Handley Road, near Nine Mile Creek, Regional District of Kootenay Boundary Electoral Area "A"

Size: 48.4 ha (39.6 ha are within the ALR)

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 reviewed two previous applications involving the subject property:

Application #28011 (Handley, 1978) To subdivide the 125.5 ha property (110 ha within the ALR) into eight lots. Refused as proposed. However, the Commission indicated it would allow one 78.5 ha (67.2 ha within the ALR), one 34.8 ha (34.8 ha within the ALR) and two 8.1 ha lots (each with 4 ha within the ALR). Approved by Resolution #10155/78. This approved subdivision was never completed.

Application #33596 (Handley, 2000) To subdivide the southern portion of District Lot 7194 into three lots of 8 ha each and a remainder of 24 ha. Refused by Resolution #102/2001.

After considering the information the Commission concluded as follows:

1. In reviewing the previous applications, the Commission would like to reconfirm the existing approval for the 12.0 ha subdivision along the road as noted in Application #28011 correspondence.

Conclusion: Under Resolution #10155/78 the Commission previously approved the subdivision along the road.

2. The Commission also discussed that the proposed subdivision, resulting in a lot on both sides of the road, exceeding what was previously approved, was not conducive to agriculture.

Conclusion: The Commission is not in support of the creation of a new parcel spilt by the road resulting in a fragmented lot within the ALR.

IT WAS
MOVED BY: Commissioner Gillette
SECONDED BY: Commissioner Miles

THAT the proposal to subdivide the 48.4 ha subject property into one 32.4 ha lot and two 8.0 ha lots be refused.

CARRIED
Resolution #48/2014