



Agricultural Land Commission
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March 17, 2017

ALC File: 55675

Kenneth Gurney
Box 831
Sechelt, B.C. V0N 3A0

Dear Mr. Gurney:

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

Please find attached the Reasons for Decision of the South Coast Panel (Resolution #65/2017) as it relates to the above noted application. As agent, it is your responsibility to notify the applicant accordingly.

Reconsideration of a Decision as Directed by the ALC Chair

Please note that pursuant to [s. 33.1 of the *Agricultural Land Commission Act*](#), the Chair may direct the Executive Committee to reconsider any panel decision if, within 60 days from the date of this decision, he considers that the decision may not fulfill the purposes of the commission as set out in s. 6, or does not adequately take into consideration s. 4.3.

You will be notified in writing if the Executive Committee is directed to reconsider your decision. The Commission advises you to take this 60 day period into consideration prior to proceeding with any actions upon this decision.

Reconsideration of a Decision by an Affected Person

We draw your attention to [s. 33\(1\) of the *Agricultural Land Commission Act*](#) which provides a person affected the opportunity to submit a request for reconsideration.

- 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.

For further clarity, s. 33.1 and s. 33(1) are separate and independent sections of the *Agricultural Land Commission Act*.

Further correspondence with respect to this application is to be directed to Kamelli Mark at Kamelli.Mark@gov.bc.ca.

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Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read 'KMARK', written in a cursive, stylized font.

Kamelli Mark, Land Use Planner

Enclosure: Reasons for Decision (Resolution #65/2017)

cc: Sunshine Coast Regional District (File: ALR00002)

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AGRICULTURAL LAND COMMISSION FILE 55675

REASONS FOR DECISION OF THE SOUTH COAST PANEL

Application submitted pursuant to s. 21(2) of the *Agricultural Land Commission Act*

Applicant: 0941623 B.C. Ltd.
(the "Applicant")

Agent: Kenneth Gurney
(the "Agent")

Application before the South Coast Regional Panel: William Zylmans, Panel Chair
Satwinder Bains
Sam Wind



THE APPLICATION

[1] The legal description of the property involved in the application is:

Parcel Identifier: 003-430-685

Lot 4, Except Part in Plan 10912, District Lot 902, Plan 3654
(the "Property")

[2] The Property is 9.6 ha in area.

[3] The Property has the civic address 1481 Reed Road, west of Gibsons.

[4] The Property is located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").

[5] The Property is located within Zone 1 as defined in s. 4.2 of the *ALCA*.

[6] Pursuant to s. 21(2) of the *ALCA*, the Applicant is applying to subdivide the Property into a 5.6 ha parcel and a 4.0 ha parcel for the purposes of estate settlement (the "Proposal"). The Proposal along with supporting documentation is collectively the application (the "Application").

RELEVANT STATUTORY PROVISIONS

[7] The Application was made pursuant to s. 21(2) of the *ALCA*:

21(2) An owner of agricultural land may apply to the commission to subdivide agricultural land.

[8] The Panel considered the Application within the context of s. 6 of the *ALCA*. The purposes of the Agricultural Land Commission (the "Commission") set out in s. 6 are as follows:

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.

EVIDENTIARY RECORD BEFORE THE PANEL

[9] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Previous application history
4. Agricultural capability map, ALR context map and satellite imagery

All documentation noted above was disclosed to the Agent in advance of this decision.

[10] At its meeting of October 27, 2016, the Sunshine Coast Regional District resolved that the proposed subdivision be supported and forwarded to the Commission.

[11] The Panel reviewed one previous application involving the Property:

Application ID: 26539
Legacy File: 14591
(Gurney, 1982)

To exclude the 9.6 ha property from the ALR. The Commission found that the property had potential for agricultural utilization and that it should therefore be retained within the ALR; however, the Commission noted that they would consider permitting the subdivision of the Property into lots consistent with the proposed new Regional District zoning for the area with a minimum lot size provision of 1.75 ha. The application for exclusion was refused and the option to subdivide the property into

lots consistent with the proposed new Regional District zoning for the area was conditionally approved by Resolution #1637/82.

SITE VISIT

[12] The Panel, in the circumstances of the Application, did not consider it necessary to conduct a site visit to the Property based on the evidentiary record associated with the Application.

FINDINGS

[13] In assessing agricultural capability, the Panel referred to agricultural capability mapping and ratings. The ratings are identified using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system. The improved agricultural capability ratings identified on CLI map sheet 92G/05 for the mapping units encompassing the Property are Class 2, Class 3 and Class 4; more specifically, 65% (6:4PAT-4:3PTA), 20% (7:3PAT-3:2AT), and 15% (4:2AD-3:2AT- 3:2WA).

Class 2 - land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in management.

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

The limiting subclasses associated with this parcel of land are A (aridity), P (stoniness), D (undesirable soil structure), W (excess water) and T (topographic limitations).



[14] The Panel reviewed the CLI ratings and finds that the Property is capable of supporting agriculture.

[15] No agricultural operations are currently taking place on the Property. There is a house and a mobile home on the Property as well as existing non-farm use buildings (a tire repair facility that pre-dates the *ALCA*). The Proposal would result in the existing house and non-farm use buildings being located on a separate lot than the existing mobile home.

[16] The Panel reviewed Resolution #1637/82 in which the 1982 Commission considered permitting the subdivision of the Property into lots consistent with the proposed Regional District zoning for the area at the time; this proposed zoning had a minimum lot size provision of 1.75 ha and would have allowed for the subdivision of the Property into five lots. Although Resolution #1637/82 allowed for the possibility of a five lot subdivision on the Property, the Panel notes that Resolution #1637/82 was made over 34 years ago and that the land use framework and the local government bylaws referenced in Resolution #1637/82 have since changed.

[17] The Panel acknowledges that the settling of an estate can be challenging; however, this can be achieved by means other than the subdivision of agricultural land. The Panel finds that the Proposal would result in the parcelization of agricultural land and that the creation of two smaller lots would restrict the types of agricultural operations that could be employed either at present or in future, particularly given the existing commercial use occurring on the Property.

DECISION

[18] For the reasons given above, the Panel refuses the Proposal to subdivide the Property into a 5.6 ha parcel and a 4.0 ha parcel for the purposes of estate settlement.

[19] These are the unanimous reasons of the South Coast Panel of the Agricultural Land Commission.



[20] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *Agricultural Land Commission Act*.

[21] This decision is recorded as Resolution #65/2017 and is released on March 17, 2017.

CERTIFICATION OF DECISION

A handwritten signature in black ink, appearing to read 'W. J. Zylmans', is written over a horizontal line.

William Zylmans, Panel Chair, on behalf of the South Coast Panel

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