



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

March 18, 2014

ALC File: #53355

Hango Land Surveys Inc.  
2924 - 9<sup>th</sup> Avenue  
Castlegar, BC V1N 2Z1

Dear Mr. Hango:

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

Please find attached the Minutes of Resolution #440/2013 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 Lindsay McCoubrey.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to be 'C. Fry', written over a white background.

Colin J. Fry, Chief Tribunal Officer

Enclosure: Minutes of Resolution #440/2013

cc: Regional District of Central Kootenay (File: 4810-20-A1311Hs-01690.015)

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## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 28, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53355.

### 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	Planner
Brian Underhill	Deputy Chief Executive Officer
Colin Fry	Executive Director

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

To subdivide the 3.7 ha subject property into one 0.5 ha lot and one 3.2 ha lot in order to facilitate the separation of the two residences on the property.

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### PROPERTY INFORMATION:

**Owner:** Daniel & Frances Perepolkin

**Legal:** PID: 015-095-509  
Lot 3, District Lot 6450 and 303, Kootenay District, Plan 2884

**Location:** 3897 Pass Creek Road, Crescent Valley, Regional District of Central Kootenay

**Size:** 3.7 ha

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### 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. In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system.

The improved agricultural capability ratings identified on Canadian Land Inventory (CLI) map sheet 82F/05 for the subject property are Class 3 and Class 6 (8:3M – 2:6TM).

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 6 - land is important in its natural state as grazing land. These lands cannot be cultivated due to soil and/or climate limitations.

The limiting subclasses associated with this parcel of land are M (moisture deficiency) and T (topographic limitations).

**Conclusion:** The subject property has good agricultural capability.

2. Regional District planning staff noted that the second dwelling (in the form of a mobile home) was permitted in 2001 consistent with *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*, Part 2 Permitted Uses, Section 3(1)(b)(ii). The Regional District also entered into a restrictive covenant with the land owner specifically dictating that should the mobile home not be in use for 90 days or not used by a family member, it is to be removed. The covenant also prohibited permanent foundations for the mobile home.

**Conclusion:** As the Regional District granted permission to place the mobile home on the property for a member of the owners' family, it would be inappropriate to now consider the existence of the mobile home as a rationale for subdividing the parcel into two lots.

3. The proposed subdivision of the property into one 0.5 ha lot and one 3.2 ha lot would result in a small residential lot with little suitability for agriculture.

**Conclusion:** The proposed subdivision is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve and encourage agriculture.

#### IT WAS

**MOVED BY:** Commissioner Miles  
**SECONDED BY:** Commissioner Thibeault

THAT the proposal to subdivide the 3.7 ha subject property into one 0.5 ha lot and one 3.2 ha lot be refused.

**CARRIED**  
**Resolution #440/2013**