



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

March 8, 2011

Reply to the attention of Ron Wallace  
ALC File: 51995

Paul & Shanna Wills  
604 Baynes Lake School Road  
Elko, BC  
V0B 1J0

Dear Sir/Madam:

**Re: Application for Secondary Dwelling in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 61/2011 outlining the Commission's decision as it relates to the above noted application.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'B Underhill', written over a white background.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of East Kootenay (P 710 215)

RW/  
/51995d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on February 28, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

PRESENT: Richard Bullock Chair, of the Commission
Barry Minor Chair, of the Kootenay Panel
Jerry Thibeault Commissioner
Roger Cheetham Staff
Ron Wallace Staff

For Consideration

Application: 51995
Applicant: Paul & Shanna Wills
Proposal: To build a 30 foot by 40 foot building with a garage/workshop on the ground floor and a two bedroom apartment for the applicant's parents and grandparents.
Legal: Lot B District Lot 132 Kootenay District Plan NEP82707
Location: 604 Baynes Lake School Road

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the Agricultural Land Commission Act (the "Act"). They are:

- 1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. 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.

Discussion

The Commission reviewed this application in context to the proposed new OCP and pending zoning for the area. The new OCP provisions defer to the zoning bylaw which permits two residential units, either comprising a single family dwelling and a secondary suite in a home or detached garage or alternatively comprising a duplex unit. Such secondary suites are limited in size to 90 m² if within a garage and on a parcel larger than 0.4 ha.

The Commission noted the proposed detached secondary suite consists of 1200 ft² (111.5 m²) building with a garage/workshop on the ground floor and a two bedroom apartment on the second floor. The Commission concurred with the RDEK Board in support for a detached secondary suite subject to the floor space being 90 m².

IT WAS

MOVED BY: Commissioner Minor
SECONDED BY: Commissioner Thibeault

THAT the application to construct a detached secondary suite of 1200 ft² (111.5 m²) be refused. However, the Commission did allow a detached secondary suite on the property at

604 Baynes Lake School Road subject to the total floor space of the detached secondary suite being 90 m<sup>2</sup>.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

**CARRIED**  
**Resolution # 61/2011**