



Agricultural Land Commission
133-4940 Canada Way
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December 3, 2012

ALC File: # 52766

Phillip Poznekoff Jr.
2930 Tower Road
Crescent Valley, BC
V0G 1H0

Dear Mr. Poznekoff:

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

Please find attached the Minutes of Resolution # 371/2012 as it relates to the above noted application. The Commission draws your attention to Section 33(1) of the *Agricultural Land Commission Act*.

Section 33(1) of the *Agricultural Land Commission Act* 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.

Please direct any further correspondence with respect to this application 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 horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #371/2012

cc: Regional District of Central Kootenay (File: 4035-20-A1204Hs-09305.160)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 20, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #52766.

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
Liz Sutton	Land Use Planner
Colin Fry	Executive Director

PROPOSAL

To subdivide the 5.3 ha subject property into one 4.3 ha lot and one 1.0 ha lot. Resolution #644/1997 previously allowed a second residence on the property (Application #8584). (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

SITE INSPECTION

A site inspection was conducted on Wednesday, July 18, 2012. Those in attendance included Commissioners Thibeault and Bullock and ALC staff Lily Ford and Roger Cheetham. Photographs were taken of both residences and the surrounding area.

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.

COMMISSION CONSIDERATION

The Commission reviewed the previous application involving the subject property (Application #8584), which allowed a second dwelling for a family member (mother-in-law) due to allergies preventing the use of a modular home. The allowed use was later transferred to another family member (father) at the request of the applicants. The site inspection was discussed and Commissioner Thibeault described the photographs and the general capability of the area. It was noted that the second dwelling on the proposed 1 ha lot, is a modular home.

After considering the file information the Commission concluded as follows:

1. The improved agricultural capability ratings identified on Canadian Land Inventory (CLI) map sheet 82F.042 are Class 2 and 3.

Class 2 – Soils with moderate limitations that restrict the range of crops or require moderate conservation practices.

Class 3 – Soils with moderately severe limitations that restrict the range of crops or require special conservation practices.

The limiting subclasses associated with this parcel of land are T (topography), M (moisture deficiency) and X (a combination of soil factors).

Conclusion: The subject property has good agricultural capability.

2. The proposal would create one 1.0 ha lot and one 4.3 ha lot.

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

IT WAS

MOVED BY: Commissioner Collins
SECONDED BY: Commissioner Johnson

THAT the request be refused.

CARRIED

Resolution #371/2012