



Agricultural Land Commission
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March 18, 2014

ALC File: #52483

Roy & Leah Honkanen
Box 432
Kaslo, BC V0G 1M0

Dear Mr. & Mrs. Honkanen:

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

Please find attached the Minutes of Resolution #432/2013 as it relates to the above noted application. The Commission has also attached a sketch plan depicting the decision.

Further correspondence with respect to this application should be directed to Lindsay McCoubrey.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'C. Fry', is written over a horizontal line. The signature is fluid and cursive.

Colin J. Fry, Chief Tribunal Officer

Enclosures: Minutes of Resolution #432/2013
Sketch plan

cc: Regional District of Central Kootenay (File: 4035-20-A1110D-03128.000)

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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 the Request for Reconsideration of Application #52483.

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
Colin Fry	Executive Director

REQUEST FOR RECONSIDERATION

The Commission received a letter dated September 9, 2013 requesting reconsideration of its decision recorded as Resolution #107/2012, by which, the proposal to subdivide the 6.1 ha subject property into four lots: two 1.0 ha lots and two 2.0 ha lots was refused.

Owner: Roy & Leah Honkanen

Agent: Ward Engineering and Land Surveying Ltd.

Original Proposal: (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)
To subdivide the 6.1 ha subject property (3.6 ha in the ALR) into four lots:
two 1 ha lots and two 2 ha lots.

Legal: PID: 007-960-786
Lot 14, District Lot 819, Kootenay District, Plan 880

Location: 8955 Tangye Road, Shuttly Bench, Regional District of Central Kootenay

Original Decision: Refused on the grounds that the subject property:

- 1) has agricultural capability;
- 2) that the proposed subdivision would have a significant impact on the agricultural potential of the property, and;
- 3) that any changes to the ALR within the Shuttly Bench area should be examined as part of a comprehensive boundary review of the area.

Current Request: The applicants proposed either a two or three lot subdivision as well as including the flat, arable portion along the southern of the property into the ALR. The applicants submitted a *Preliminary Soil Investigation Report* prepared by Stephen Neville, B.Sc., P.Ag.

LEGISLATIVE CONTEXT FOR COMMISSION RECONSIDERATION

Section 33 (Reconsideration of decisions) of the *Agricultural Land Commission Act* states:

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.
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DECISION REGARDING THE REQUEST FOR RECONSIDERATION

The Commission believes the applicant has provided evidence that was not available at the time of the previous decision through the submission of the *Preliminary Soil Investigation Report*.

As a result, it was moved by Commissioner Gillette and seconded by Commissioner Pranger that there were no persons affected by the reconsideration and that the Commission reconsider Resolution #107/2012. The motion was carried unanimously.

COMMISSION CONSIDERATION

After considering the new information the Commission concluded as follows:

1. The reconsideration proposal reduces the number of proposed lots from four to as few as two lots.

Conclusion: A proposal to subdivide the subject property into two approximately 3.0 ha lots would result in the creation lots, the size of which, would be consistent with other ALR properties situated in proximity to the subject property.

2. The reconsideration proposal also identified the potential inclusion of land into the ALR; more specifically, the flat arable portion along the southern boundary of the property.

Conclusion: Inclusion of approximately 1.3 ha into the ALR would more correctly reflect the area capable for agriculture.

IT WAS

MOVED BY: Commissioner Miles
SECONDED BY: Commissioner Gillette

THAT the request to subdivide the 6.1 ha into two lots be approved.

AND THAT the approval is subject to the following conditions:

1. the subdivision be in substantial compliance with the decision sketch plan;
2. the subdivision plan must be completed within three years from the date of the Commission's letter communicating this decision; and
3. the receipt of an inclusion application for the area proposed for inclusion in the reconsideration request (~1.3 ha) as depicted on the attached decision sketch plan.

AND FINALLY THAT this decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED
Resolution #432/2013

ALC Application #52483
Resolution #432/2013 - Approved two lot subdivision
subject to inclusion.

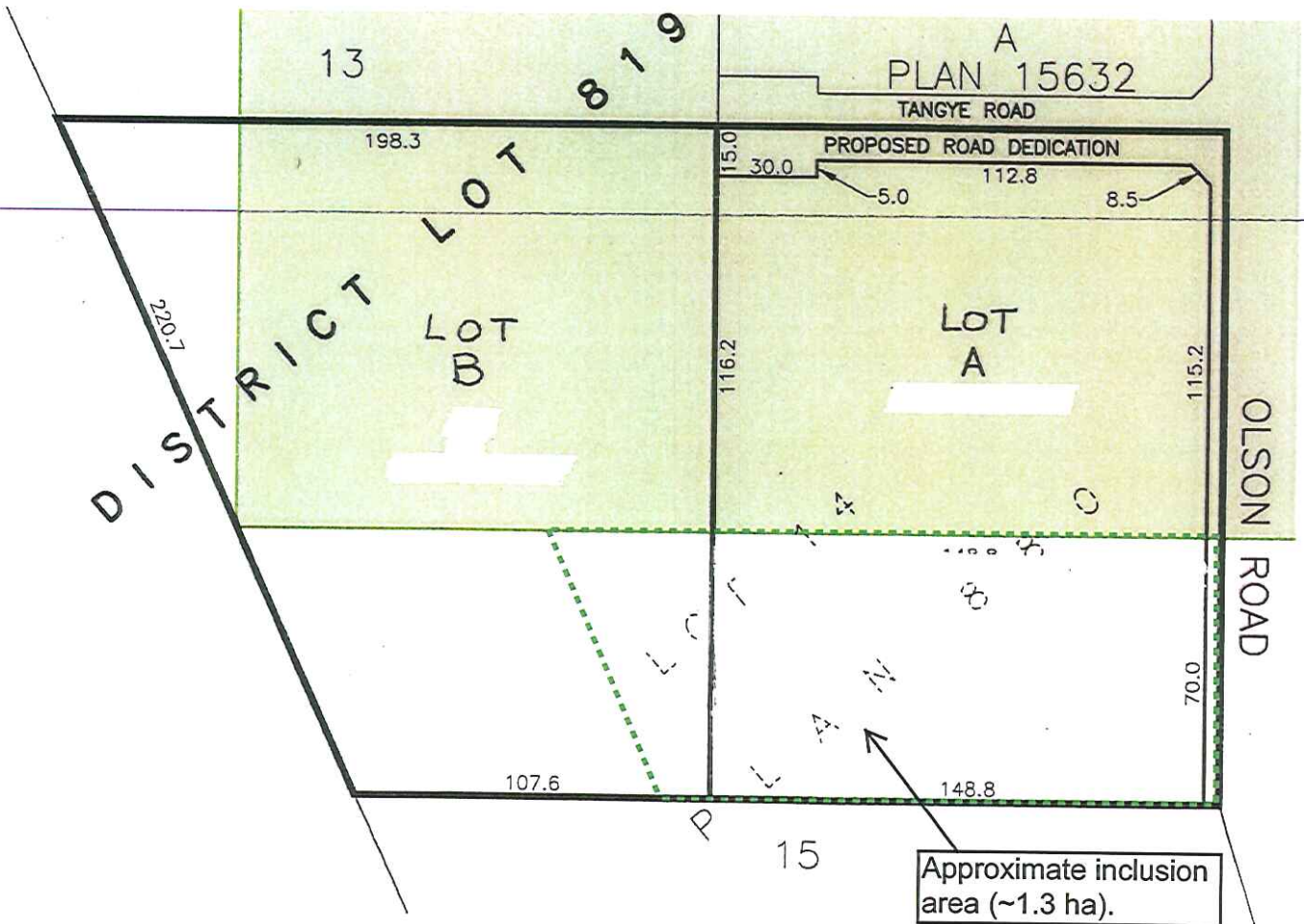
SKETCH SHOWING PROPOSED SUBDIVISION OF LOT 14, DISTRICT LOT 819, KOOTENAY DISTRICT, PLAN 880

SCALE 1: 2000



This plan shows ground level distances in metres.

 ALR



Approximate inclusion
area (~1.3 ha).