



Agricultural Land Commission
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www.alc.gov.bc.ca

February 24, 2014

ALC File: #52781

Alex & Shirley Pereverzoff
Box 1604 (2150 Kettle River Drive)
Grand Forks, BC V0H 1H0

Dear Mr. and Mrs. Pereverzoff:

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

Please find attached the Minutes of Resolution #64/2014 as it relates to the above noted application.

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 'Brian Underhill', written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #64/2014

cc: City of Grand Forks

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on January 23, 2014 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 #52871.

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
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Lindsay McCoubrey	Planner
Eamonn Watson	Planner
Jennifer Carson	Planner
Colin Fry	Executive Director

REQUEST FOR RECONSIDERATION

The Commission received a letter on September 23, 2013 requesting reconsideration of its decision recorded as Resolution #377/2012, by which, the proposal to subdivide the 4.3 ha subject property into two (2) approximately equal-sized parcels was refused.

Owners: Alex and Shirley Pereverzoff

Original Proposal: (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

To subdivide the 4.0 ha subject property into two (2) approximately equal-sized parcels.

Original Decision: Refused as the Commission concluded that the proposal would reduce the potential of the subject property for agricultural use, would result in parcelization within the ALR framework and does not provide an agricultural rationale to support the proposed subdivision.

Current Request: To reconsider the original proposal based on the submission of photographs that had not been submitted by the applicants at the time of the first decision.

Legal: PID: 028-195-604
Lot 2, District Lot 533, Similkameen Division Yale District, Plan KAP90660

Location: 2150 Kettle River Drive, Grand Forks

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 that the applicant has provided evidence in the form of photographs of the subject property that were not available at the time of the previous decision.

As a result, it was moved by Commissioner Pranger and seconded by Commissioner Johnson that there were no persons affected by the reconsideration and that the Commission reconsider Resolution #377/2012. The motion was carried unanimously.

COMMISSION CONSIDERATION

The Commission reviewed the photographs and information submitted and believed that while the photographs were new evidence, they did not provide substantive evidence in favour of subdividing the subject property. The Commission still believes that the reduction of parcel size will reduce the agricultural potential of the land, that the resulting parcelization of the ALR is not supportive of agriculture and that there is no agricultural rationale for subdividing the subject property.

Conclusion: The Commission believes its previous decision was appropriate.

IT WAS

MOVED BY: Commissioner Pranger

SECONDED BY: Commissioner Johnson

THAT the request for subdivision be refused.

AND THAT as it has now been over a year since the Commission's original decision the Commission considers this application to be closed.

CARRIED

Resolution #64/2014