



Agricultural Land Commission
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February 24, 2014

ALC File: #53053

Justin and Susan Wentzell
110 Hinge Bay
Fort McMurray, AB T9H 3W8

Dear Mr. and Mrs. Wentzell:

Re: Application for the Non-Farm Use of Land in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution #66/2014 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', is written over a white background.

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #66/2014

cc: Regional District of East Kootenay (File # P 712 221)

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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 #53053.

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 dated November 23, 2013 requesting reconsideration of its decision recorded as Resolution #84/2013, by which, the proposal to operate a Recreational Vehicle (RV) campground was refused.

Owner: Justin and Susan Wentzell

Original Proposal: (Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

To operate a Recreational Vehicle (RV) campground on 4.0 ha of the 15.8 ha subject property.

Original Decision: Refused. This proposal, if approved, would further campground intrusion into the area, the land is suitable for agriculture and the Commission has previously stated that it feels the issues of ATVs and other off-road vehicles on agricultural land need to be resolved prior to any further endorsements of development on the west side of Koochanusa Lake.

Current Request: To give consideration to the final Lake Koochanusa Official Community Plan (OCP) - Bylaw No.2432.

Legal: PID: 009-365-991
Lot 1, District Lot 11493, Kootenay District, Plan 16032

Location: 120 Newgate – Kikomun Road, Elko

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.

DECISION REGARDING THE REQUEST FOR RECONSIDERATION

The Commission believes that with the submission of the final OCP text amendments specifically noting the subject property, the applicant has provided evidence that was not available at the time of the previous decision.

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 #84/2013. The motion was carried unanimously.

COMMISSION CONSIDERATION

After considering the new information the Commission concluded as follows:

1. The text amendments the reconsideration request refers to were not forwarded to the Commission for comment prior to Regional District of East Kootenay ratifying them. As is documented in the Commission's Planning File #46473 decision minutes regarding the Lake Kooconusa OCP (addressed to the Regional District of East Kootenay on November 26, 2012 and January 29, 2013), the Commission was very clear in their reservations/concerns regarding further campground development west of Lake Kooconusa until clear changes to off-road policing are established.

Conclusion:

While the information provided was not available during the Commission's previous consideration of this application, it remains concerned that without effective policing in place, the creation of another RV Campground in the area could have serious adverse impacts on agriculture in the area.

2. The Commission also noted that the OCP was not the Commission's only concern about the proposal. The subject property has good agricultural capability and suitability which would be compromised by the introduction of this type of non-farm use.

Conclusion:

The creation of an RV Campground on a 4.0 ha portion of the subject property would have an adverse impact on the agricultural potential of the subject property.

IT WAS
MOVED BY: **Commissioner Gillette**
SECONDED BY: **Commissioner Pranger**

THAT the request to operate a Recreational Vehicle (RV) campground be refused.

CARRIED
Resolution #66/2014