



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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www.alc.gov.bc.ca

June 24, 2014

ALC File: #53598

Mr. Anthony F. Zeberoff  
Mr. Edward and Mrs. Netta Zeberoff  
101 6<sup>th</sup> Avenue  
Castlegar, B.C. V1N 1S8

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

Please find attached the Minutes of Resolution #149/2014 as it relates to the above noted application. The Commission has also attached a sketch plan depicting the decision.

Please send two (2) copies of the final survey plan to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Further correspondence with respect to this application is to 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 #149/2014  
Sketch plan

cc: Regional District of Central Kootenay (File #4810-20-A14011-08898.130)

53598d1



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 26, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53598.

### COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner

### COMMISSION STAFF PRESENT:

Jennifer Carson	Planner
Lindsay McCoubrey	Planner
Colin Fry	Chief Tribunal Officer

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### PROPOSAL (Submitted pursuant to s. 21(2) of the *Agricultural Land Commission Act*)

To subdivide the 5.5 ha property into two 2.7 ha lots to facilitate the separation of the parents' and son's interests on the property.

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### PROPERTY INFORMATION:

**Owners:** Anthony F. Zeberoff (As to an undivided ½ interest)

Edward and Netta F. Zeberoff (As to an undivided ½ interest as joint tenants)

**Legal:** PID: 014-676-982  
Lot 7, District Lot 7246, Kootenay District, Plan 4436

**Location:** 1853 Pass Creek Road, North of Castlegar

**Size:** 5.5 ha

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### 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.
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## COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

1. In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are identified using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system.

The improved agricultural capability ratings identified on CLI map sheet 82F/5 for the subject property are Class 3, Class 4 and Class 6 (4:4MP - 3:3M - 3:6TR).

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

Class 6 - land is important in its natural state as grazing land. These lands cannot be cultivated due to soil and/or climate limitations.

The limiting subclasses associated with this parcel of land are M (moisture deficiency), P (stoniness), R (shallow soil over bedrock and/or rock outcroppings) and T (topographic limitations).

### **Conclusion:**

The subject property has moderate agricultural capability that is consistent with other land in the area lying both east and west of Pass Creek Road. The subject property represents the southern extent of the ALR in the area lying east of Pass Creek Road.

2. The properties situated north and east of the subject property (east of Pass Creek Road) are generally described as being smaller in size than the subject property.

**Conclusion:**The proposed subdivision would be in keeping with the existing lot sizes of properties lying east of Pass Creek Road.

## **IT WAS**

**MOVED BY:** Commissioner Thibeault  
**SECONDED BY:** Commissioner Dyson

THAT the proposal to subdivide the subject property into two (2) approximately equal-sized lots be conditionally approved.

AND THAT the final approval is subject to:

1. The subdivision being in substantial compliance with the plan submitted with the application;  
and
2. The subdivision plan being completed within three (3) years from the date of the Commission's letter communicating this decision;

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.

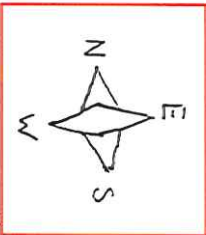
**CARRIED**  
**Resolution #149/2014**

\* All units in metric form

\* 1 cm = 14.37 m

ALC File #53598 - Sketch Plan  
Resolution #149/2014 - Approved  
two lot subdivision

Dwelling

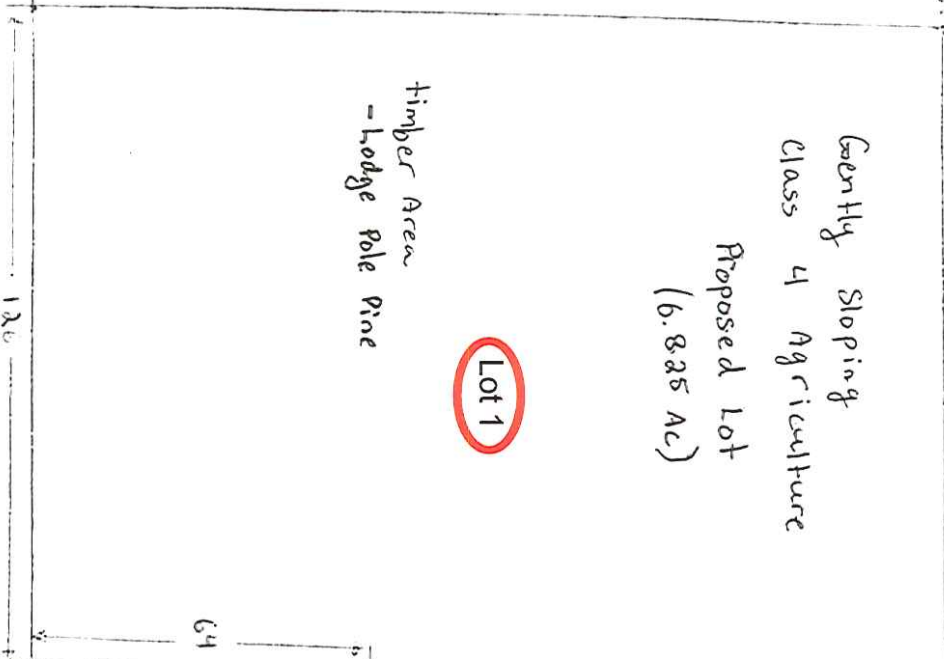


Gently Sloping  
Class 4 Agriculture

Proposed Lot  
(6.825 Ac)

Lot 1

Timber Area  
- Lodge Pole Pine



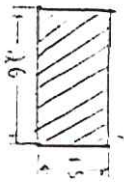
mature  
timber  
area 109

Barn

4

50

64



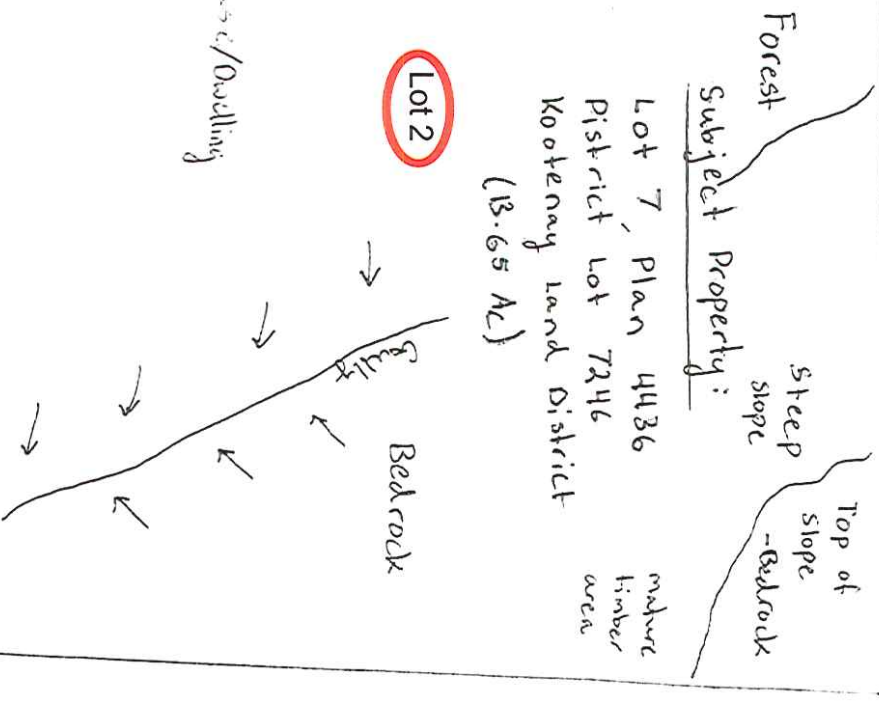
House/Dwelling

Forest

Subject Property:

Lot 7, Plan 4436  
Pistrict lot 7246  
Kootenay Land District  
(13.65 Ac)

Lot 2



steep  
slope  
- Bedrock

mature  
timber  
area

Bedrock

Gully

Passerick Cr.

Dwelling  
- Bakery

RECEIVED  
PROV. AND COMM. DIVISION  
NATURAL RESOURCES  
08 NOV 2014

Vacant Parcel

Map Modified - June 24, 2014