



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

June 19, 2014

ALC File: #53623

Marna Edey  
7539 McKinnon Road  
Nelson, B.C. V1L 6R5

Dear Ms. Edey:

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

Please find attached the Minutes of Resolution #179/2014 as it relates to the above noted application.

The Commission draws your attention to Section 33(1) of the *Agricultural Land Commission Act* which 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.

Further correspondence with respect to this application is to be directed to Lindsay McCoubrey (lindsay.mccoubrey@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Lindsay McCoubrey', is written over a horizontal line.

Colin J. Fry, Chief Tribunal Officer

Enclosure: Minutes of Resolution #179/2014

cc: Regional District of Central Kootenay (File #A1403)

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## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 29, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53623.

### 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 J. Fry	Chief Tribunal Officer

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### PROPOSAL (Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

To install a mobile home for the farm owner's residence on a 2.4 ha property, in addition to the existing farm house in the southeast corner of the property. The farm house is currently being rented out to tenants. The applicant proposes to locate the mobile home in the northwest corner of the property, adjacent to the existing driveway used by the neighbouring property.

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### PROPERTY INFORMATION:

**Owner:** Marna Edey

**Legal:** PID: 015-978-648  
Parcel 1 (See 6535I), Block H, District Lot 309, Kootenay District, Plan 990, Except Part Included in Plan 8410

**Location:** Northeast of Nelson, west arm of Kootenay Lake

**Size:** 2.4 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:

As a general rule additional residences have two negative effects on the agricultural land base. Firstly, they require arable land both for the dwelling, yard, septic field and access. Secondly, additional dwellings increase the residential density of a property and the surrounding area.

#### **Conclusion:**

The placement of a second dwelling on the subject property is not an agricultural necessity and would have an adverse impact on the agricultural utility of the subject property.

#### **IT WAS**

**MOVED BY:            Commissioner Bullock**  
**SECONDED BY:        Commissioner Gillette**

THAT the request to place a mobile home on the property as a second residence for the purpose of the land owner's residence be refused.

#### **CARRIED**

**Resolution #179/2014**