



Agricultural Land Commission
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October 17, 2016

ALC File: 54392

Roy and Leah Honkanen
8955 Tangye Road
Box 234
Kaslo, BC V0G 1M0

Dear Mr. and Mrs. Honkanen:

Re: Application to Include Land into the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #355/2016) as it relates to the above noted application. A sketch plan depicting the decision has been attached.

Further correspondence with respect to this application is to be directed to Riccardo Peggi at (Riccardo Peggi@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Kim Grout, Chief Executive Officer

Enclosures: Reasons for Decision (Resolution #355/2016)
Sketch plan

cc: Regional District of Central Kootenay (File: A1514)

54392d1



AGRICULTURAL LAND COMMISSION FILE 54392

REASONS FOR DECISION OF THE KOOTENAY PANEL

Application submitted pursuant to s. 21(2) of the *Agricultural Land Commission Act*

Applicants:

**Roy Honkanen
Leah Honkanen
(the “Applicants”)**

Application before the Kootenay Regional Panel:

**Sharon Mielnichuk, Panel Chair
Ian Knudsen**



THE APPLICATION

[1] The legal description of the property involved in the application is:

Parcel Identifier: 007-960-786

Lot 14, District Lot 819, Kootenay District, Plan 880

(the "Property")

[2] The Property is 6.1 ha in area.

[3] The Property is generally described as being located at 8955 Tangye Road, Shutty Bench.

[4] The Property is located partially within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA"). More specifically, 3.5 ha of the Property is within the ALR.

[5] The Property is located within Zone 2 as defined in s. 4.2 of the *ALCA*.

[6] Pursuant to s. 17(3) of the *ALCA*, the Applicants are applying to include 1.3 ha of the Property into the ALR to meet a condition of Resolution #432/2013 regarding Application 52483 (the "Proposal"). The Proposal along with supporting documentation is collectively the application (the "Application").

RELEVANT STATUTORY PROVISIONS

[7] The Application was made pursuant to s. 17(3) of the *ALCA*:

17(3) On application by an owner of land, the commission may designate all or part of the land described in the application as part of an agricultural land reserve if the commission considers that the designation carries out the intent of this Act.

[8] The Panel considered the Application pursuant to its mandate in s. 4.3 of the *ALCA*:

4.3 When exercising a power under this Act in relation to land located in Zone 2, the commission must consider all of the following, in descending order of priority:

- (a) the purposes of the commission set out in section 6;
- (b) economic, cultural and social values;
- (c) regional and community planning objectives;
- (d) other prescribed considerations.

[9] The purposes of the Commission set out in s. 6 are as follows:

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.

EVIDENTIARY RECORD BEFORE THE PANEL

[10] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Previous application history
4. Agricultural capability map, ALR context map and satellite imagery
5. *Preliminary Soil Investigation Report* prepared by Stephen Neville, B.Sc., P.Ag (the "Neville Report")

All documentation noted above was disclosed to the Applicants in advance of this decision.

[11] The Regional District of East Kootenay (the "RDEK") resolved to forward the Application with support.



[12] The Panel reviewed one previous application involving the Property:

Application ID: 52483
(Honkanen, 2011)

To subdivide the 6.1 ha property into four lots: two 1.0 ha lots and two 2.0 ha lots. The application was refused by C Resolution #107/2012.

Reconsideration Request

The Commission received a request, dated September 9, 2013, from the Applicants to reconsider Resolution #107/2012. The Applicants submitted a the Neville Report and revised their proposal to either a two or three lot subdivision as well as to include the flat, arable portion along the southern boundary of the Property into the ALR. The Commission determined that the submission of the Neville Report provided evidence that was not available at the time of the previous decision. The revised proposal was allowed by Resolution #432/2013, subject to the submission of an inclusion application to include approximately 1.3 ha of the Property into the ALR.

SITE VISIT

[13] The Panel, in the circumstances of the Application, did not consider it necessary to conduct a site visit to the Property based on the evidentiary record associated with the Application.

Weighing the factors in priority

[14] The Proposal is consistent with the requirement for subdivision specified in Resolution #432/2013.

DECISION

[15] For the reasons given above, the Panel approves the Proposal to include 1.3 ha of the Property into the ALR.

[16] 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.

[17] These are the unanimous reasons of the Kootenay Panel of the Agricultural Land Commission.

[18] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *Agricultural Land Commission Act*.

[19] This decision is recorded as Resolution #355/2016 and is released on October 17, 2016.

CERTIFICATION OF DECISION

A handwritten signature in black ink, appearing to read 'Sharon Mielnichuk', written in a cursive style. The signature is positioned above a horizontal line.

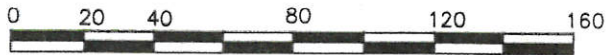
Sharon Mielnichuk, Vice Chair, on behalf of the Kootenay Panel

END OF DOCUMENT

ALC Application 54392
Approved Inclusion
ALC Resolution #355/2016

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.

