



June 14, 2016

Agricultural Land Commission
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ALC File: 54744

Roy and Leah Honkanen
Box 432, 8955 Tangye Road
Kaslo, BC V0G 1M0

Dear Mr. and Mrs. Honkanen:

Re: Application to Conduct a Non-Farm Use in the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #222/2016) as it relates to the above noted application. A sketch plan depicting the decision is also attached.

Please note that pursuant to s. 33.1 of the *Agricultural Land Commission Act*, the Chair may direct the executive committee to reconsider this panel decision if, within 60 days from the date of this decision, he considers that the decision “may not fulfill the purposes of the commission as set out in section 6 or does not adequately take into account the considerations set out in section 4.3”. I can advise you that in this case, the Chair has already reviewed the decision and has instructed me to communicate to you that he does not intend to exercise that authority in this case.

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

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to be 'CJF', written in a cursive style.

Colin J. Fry, Director of Policy and Planning

Enclosures: Reasons for Decision (Resolution #222/2016)
Sketch plan

cc: Regional District of Central Kootenay (File: A1602)
BC Assessment – #200, 117 Cranbrook Street North, Cranbrook, BC V1C 3P8

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AGRICULTURAL LAND COMMISSION FILE 54744

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
Harvey Bombardier
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, of which 3.5 ha is in the ALR.

[3] The Property has the civic address 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").

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

[6] Pursuant to s. 21(2) of the *ALCA* the Applicants are applying to use 0.006 ha of the Property in the ALR for the purpose of an office for their candle-making business (the "Proposal").

The Proposal along with supporting documentation is collectively (the "Application").

RELEVANT STATUTORY PROVISIONS

[7] The Application was made pursuant to s. 21(2) of the *ALCA*

21(2) An owner of agricultural land may apply to the commission to subdivide agricultural land.

[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

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

[11] The Panel reviewed previous applications involving the Property:

Application ID: 52483
(Honkanen, 2012)

To subdivide the 6.1 ha property into four parcels: two 1.0 ha parcels and two 2.0 ha parcels. Refused by Resolution #107/2012.



Reconsideration Request Submission of a report from a Professional Agrologist and revised proposal of two or three parcel subdivision, and the inclusion of the flat, arable portion of land along the southern boundary of the property into the ALR. By Resolution #432/2013, subdivision of the property into two 3.0 ha parcels was allowed subject to the receipt of an inclusion application to add 1.3 ha of the property to the ALR.

Application ID: 54392 To include 1.3 ha of the property into the ALR as per the
(Honkanen, 2015) terms and conditions of Resolution #432/2013.

FINDINGS

Section 4.3(a) and Section 6 of the ALCA: First priority to agriculture

[12] In assessing agricultural capability, the Panel referred 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 rating identified on CLI map sheet 82F/15 for the mapping unit encompassing the ALR component of the Property are Class 3 and Class 7; more specifically (8:3T - 2:7TC).

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 7 - land has no capability for soil bound agriculture.

The limiting subclasses associated with this parcel of land are C (adverse climate) and T (topographic limitations).

[13] The Panel reviewed the CLI ratings and find that the agricultural capability rating is typical of those in the area.

[14] In their letter, the Applicants state the following: *“The business does support the beekeeping industry in other areas of our province and country. As the proposed office structure is a non-permanent modular building on a steel frame there will be minimal ground and top soil disturbance and therefore no long term agricultural land loss. In the short term the interested young family plans to increase garden size, have a greenhouse and raise chickens, sheep and perhaps a beef cow. Please note that subdivision application (#52483) of 6.1 ha into two lots includes the voluntary inclusion of 1.3 ha (21.3% of total lot size).”*

Section 4.3(b) of the ALCA: Second priority to economic, cultural and social values

[15] Regional District of Central Kootenay (the “RDCK”) Planning Staff, in their report note that: *“the applicants employ 13 people within the local area. Through the policy contained within the OCP, the Regional District supports economic growth and the creation of employment within rural areas and the provision of opportunities for land uses secondary to and related to agricultural use. While the non-farm use does not appear to directly contribute to agriculture on the subject property, staff notes that the beeswax used by the applicants is sourced from apiaries within BC and Alberta, which could be argued to have a positive benefit on agricultural production within the Province.”*

Section 4.3(c) of the ALCA: third priority to regional and community planning objectives

[16] The RDCK notes in their report that: *“the subject property is not located within an area subject to zoning regulation. Accordingly, the Regional District does not regulate the use of land on the property by means of zoning. The subject property is designated Country Residential (R2) under the Kootenay Lake and Lardeau Valley portion of Electoral Area ‘D’ Official Community Plan, Bylaw No. 1996, 2009.”*



[17] The RDCK has the Community Specific Policies for Shutter Bench of: *“Recognizes the value of agriculture and the ALR and supports further agricultural development in keeping with the environmental values of the area;”* and, *“Encourages economic growth of a kind which is consistent with the values of the community, including strong emphasis on home based businesses, agricultural development and low impact tourism and recreation.”*

Weighing the factors in priority

[18] The Panel believes the Application, as proposed, will have minimal negative impact on agriculture, due to the limited areal extent of the Non-Farm Use, and the temporary nature of the proposed modular structure.

[19] The Panel believes that the Application supports the economic objectives of the local community of Shutter Bench.

DECISION

[20] For the reasons given above, the Panel approves the Proposal to use 60m² of the Property for a modular building to serve as an office for a candle-making business.

[21] The Proposal is approved subject to the following condition:

- a. The non-farm use being in substantial compliance with the plan submitted with the Application.

[22] 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.

[23] Panel Chair **Sharon Mielnichuk** concurs with the decision.

Commissioner **Harvey Bombardier** concurs with the decision.

Commissioner **Ian Knudsen** concurs with the decision.

[24] Decision recorded as Resolution #222/2016.

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

Upon instruction of the Panel, I have been authorized to release the Reasons for Decision by Resolution #222/2016. The decision is effective upon release.



Colin J. Fry, Director of Policy and Planning

June 14, 2016

Date Released