



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

July 20, 2016

ALC File: 54779

Cypress Land Services Inc.  
Suite 120 - 736 Granville Street  
Vancouver, BC V6Z 1G3

Attention Tawny Verigin:

**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 #269/2016) as it relates to the above noted application. As agent, it is your responsibility to notify your client accordingly. A sketch plan depicting the decision is also 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:

A handwritten signature in black ink, appearing to read 'Colin Fry', is written over a light blue horizontal line.

Colin J. Fry, Director of Planning and Policy

Enclosures: Reasons for Decision (Resolution #269/2016)  
Sketch plan

cc: East Kootenay Regional District (File: P 716 208)

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## **AGRICULTURAL LAND COMMISSION FILE 54779**

### **REASONS FOR DECISION OF THE CHIEF EXECUTIVE OFFICER**

**Application submitted pursuant to s. 20(3) of the *Agricultural Land Commission Act***

**Applicant:** **Telus Mobility Mobile Inc.**  
**(the “Applicant”)**

**Agent:** **Tawny Verigin,**  
**Cypress Land Services Inc.**  
**(the “Agent”)**

**Application before the Chief Executive Officer:** **Kim Grout**  
**(the “CEO”)**



## **THE APPLICATION**

- [1] The legal description of the property involved in the application is:
- Parcel Identifier: 013-313-363
  - Sublot 2, District Lot 322, Kootenay District, Plan X-5 Except Part Included in Plan 8934
  - (the "Property")
- [2] The Property is 53.5 ha in area.
- [3] The Property is generally located on the south side of Kikomun Road, on the eastern bank of Lake Kooacanusa.
- [4] Pursuant to s. 20(3) of the *Agricultural Land Commission Act* (the "ALCA"), the Applicants are applying to construct a 60 meter high self-supporting cellular communication tower with an access road and connecting power lines (the "Proposal"). The Proposal along with supporting documents is collectively the "Application".

## **RELEVANT STATUTORY PROVISIONS**

- [5] The Application was made pursuant to s. 20(3) of the *ALCA*:
- 20 (3) An owner of agricultural land or a person with a right of entry to agricultural land granted by any of the following may apply to the commission for permission for a non-farm use of agricultural land.
- [6] Pursuant to s. 27 of the *ALCA* the CEO may approve some applications:
- 27 (1) The commission, by resolution, may establish criteria under which the following may be approved by the chief executive officer:
    - (a) specified types of applications for exclusion, subdivision or non-farm use;
    - (b) applications with respect to specified regions of British Columbia.

- (2) The commission must put the criteria established under subsection (1) in writing and make them available for inspection during ordinary business hours.
- (3) An application that meets the criteria established under subsection (1) may be approved by the chief executive officer on the terms that the chief executive officer may impose.
- (4) If the chief executive officer considers that the application does not meet the criteria specified under subsection (1) or for any other reason does not wish to approve the application under subsection (3), the application must be referred to the commission for a decision.
- (5) An approval of an application by the chief executive officer under subsection (3) is decision of the commission for the purposes of this Act.
- (6) The chief executive officer may not exercise a power that has been delegated to a local government, a first nation government or an authority by an agreement entered into under section 26.

[7] On June 27, 2011, the Agricultural Land Commission (the “Commission”) delegated decision-making to the CEO by Resolution #016N-2011 (File: 140-60/ALC/CEO/APPL). In accordance with section 27 of the *ALCA* the Commission has specified that the following applications may be decided by the CEO.

Criterion 14

Exclusion, subdivision, and non-farm use applications that are not consistent with any of the existing approved criteria (Criteria 1 - 13) but nonetheless are minor in nature, and in the opinion of the CEO the interests of the Commission would be unaffected by an approval of the application.

**DECISION**

[8] After reviewing the Application, I am satisfied that the Proposal is consistent with Criterion #14 of Resolution #016N/2011 and approve the Proposal.

[9] The Proposal is approved subject to the following conditions:



- a. the non-farm use be in substantial compliance with the plan submitted with the Application;

[10] 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.

[11] Decision recorded as Resolution #269/2016.

A decision of the CEO is a decision of the Commission pursuant to s. 27(5) of the ALCA.

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**I CERTIFY THAT THIS IS A TRUE RECORD OF THE DECISION**

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

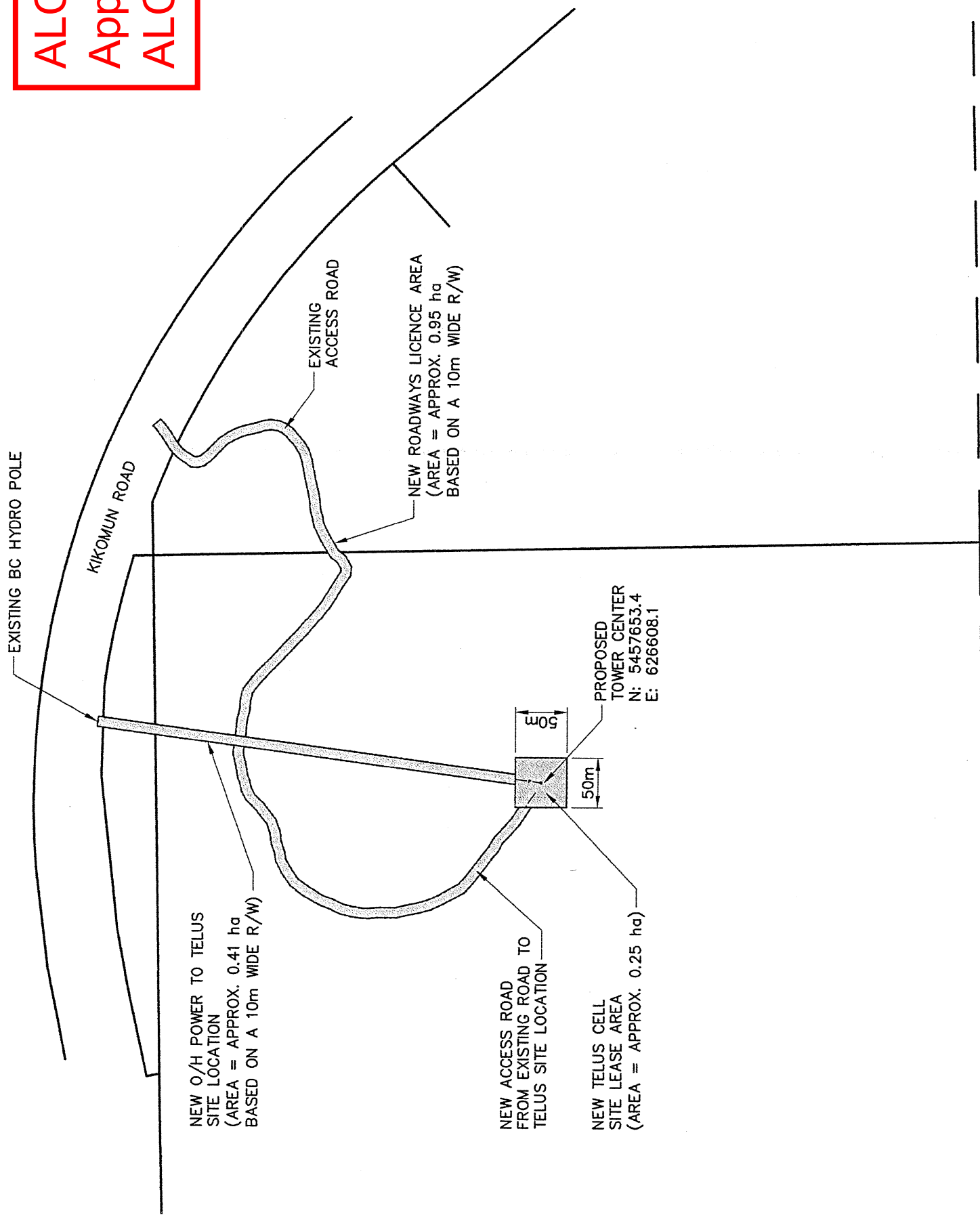
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Kim Grout, Chief Executive Officer

**July 20, 2016**  
**Date Released**



ALC Application #54779  
 Approved Non-farm Use  
 ALC Resolution #269/2016



KEY PLAN  
1:5,000

| CO-ORDINATE TABLE              |           |          |                           |                             |
|--------------------------------|-----------|----------|---------------------------|-----------------------------|
| NAD 83 ZONE 9                  |           |          |                           |                             |
| DESCRIPTION                    | NORTHING  | EASTING  | LAT.                      | LONG.                       |
| CENTER OF TELUS PROPOSED TOWER | 5457653.4 | 626608.1 | N49°15'30.7"<br>49.25853° | W115°15'35.9"<br>115.25996° |
|                                |           |          |                           | EL. 845m±                   |

| REVISIONS         | DATE         | No |
|-------------------|--------------|----|
| CROWN APPLICATION | SEPT 30 2015 | 1  |
| PRELIMINARY       | NOV 3 2015   | 2  |

**ROBERTSON KOLBEINS TEEVAN GALLAHER ASSOCIATES LTD**  
CONSULTING ENGINEERS 1885 W. 4TH AVE. VANCOUVER, BRITISH COLUMBIA V6J 1M8  
**RKTG**

DRAWING No.: B19-4209-100 REV. 2  
 BC2726 - BAYNES LAKE

**KEY PLAN**  
 ENG: - DATE: SEPT 2015  
 DR: R. JOHNSON PLOT: 1 : 1  
 CHK: M. RAMSAY PLOT DATE:  
 APP: M. RAMSAY

