

October 16, 2024

ALC File: 67643

**Ken Streloff**  
**Delivered Electronically**

Dear Ken Streloff:

**Re: Reasons for Decision - ALC Application 67643**

Please find attached the Reasons for Decision of the Kootenay Panel for the above noted application (Resolution #669/2024). As the agent, it is your responsibility to notify the applicants accordingly.

Please note that the submission of a \$150 administrative fee may be required for the administration, processing, preparation, review, execution, filing or registration of documents required as a condition of the attached Decision in accordance with section 11(2)(b) of the ALR General Regulation.

Under section 33.1 of the *Agricultural Land Commission Act* ("ALCA"), the Chair of the Agricultural Land Commission (the "Commission") has 60 days to review this decision and determine if it should be reconsidered by the Executive Committee in accordance with the ALCA. You will be notified in writing if the Chair directs the reconsideration of this decision. The Commission therefore advises that you consider this 60-day review period prior to acting upon this decision.

Under section 33 of the ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. A request to reconsider must now meet the following criteria:

- No previous request by an affected person has been made, and
- The request provides either:

- Evidence that was not available at the time of the original decision that has become available, and that could not have been available at the time of the original decision had the applicant exercised due diligence, or
- Evidence that all or part of the original decision was based on evidence that was in error or was false.

The time limit for requesting reconsideration of a decision is one year from the date of the decision's release, as per ALC Policy P-08: Request for Reconsideration.

Please refer to the ALC's Information Bulletin 08 – Request for Reconsideration for more information.

Please direct further correspondence with respect to this application to  
ALC.Kootenay@gov.bc.ca

Yours truly,



Ron Wallace, Land Use Planner

Enclosures: Reasons for Decision (Resolution #669/2024)  
Schedule A: Decision Map

cc: Regional District of East Kootenay (File: P 723 209). Attention: Tracy Van de Wiel

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**Agricultural Land Commission File 67643**  
**Reasons for Decision of the Kootenay Panel**

**Inclusion Application Submitted Under s.17(3) of the Agricultural Land  
Commission Act**

**Applicants:** Ken Streloff and Joyce Streloff

**Agent:** Ken Streloff

**Property:** Parcel Identifier: 008-122-687  
Legal Description: Lot 5 (Amended) District  
Lot 4590, Kootenay District, Plan 2345, Except  
Part Included in Plan NEP19344  
Civic: 7124 Rosen Lake Road, Jaffray, BC  
Area: 27.8 ha (21 ha in the ALR)

**Panel:** Jerry Thibeault, Kootenay Panel Chair  
Danna O'Donnell  
Wayne Harris

**OVERVIEW**

- [1] The Property is located within the Agricultural Land Reserve (ALR) as defined in s. 1 of the Agricultural Land Commission Act (ALCA).
- [2] The Applicants are applying to the Agricultural Land Commission (the "Commission" or "ALC") under s. 17(3) of the ALCA to include  $\pm 0.41$  ha of non-ALR land within the northwest portion of the Property into the ALR (the "Proposal").
- [3] The Applicants have submitted an accompanying application for exclusion (69296) of land from the ALR as an 'ALR swap' to be considered conditional on approval of the exclusion application.
- [4] The Proposal was considered in the context of the purposes and priorities of the Commission set out in section 6 of the ALCA:
- 6 (1) The following are the purposes of the commission:
- (a) to preserve the agricultural land reserve;
  - (b) to encourage farming of land within the agricultural land reserve 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 land within the agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.

- (2) The commission, to fulfill its purposes under subsection (1), must give priority to protecting and enhancing all of the following in exercising its powers and performing its duties under this Act:
- (a) the size, integrity and continuity of the land base of the agricultural land reserve;
  - (b) the use of the agricultural land reserve for farm use.

### **EVIDENTIARY RECORD**

- [5] The Proposal, along with related documentation from the Applicants, Agent, local government, and Commission is collectively referred to as the "Application". All documentation in the Application was disclosed to the Agent in advance of this decision.
- [6] The Panel conducted a walk-around and meeting site visit on May 16, 2024 in accordance with the *ALC Policy Regarding Site Visits in Applications*, (the "Site Visit"). A site visit report was prepared in accordance with the *Policy Regarding Site Visits in Applications*. The site visit report was certified as accurately reflecting the observations and discussions of the Site Visit by the Applicant on June 6, 2024 (the "Site Visit Report").

### **BACKGROUND**

- [7] The Property is located east of Jaffray and south of Rosen Lake Road. There are three residences located on the northwest corner of the Property; one residence (just off Rosen Lake Road) is located outside the

ALR, and the other two residences are located on or near the ALR boundary within the Property. The Application states that most of the Property within the ALR is used for grazing livestock and hay production.

- [8] In 1997, the RDEK submitted a block exclusion application to the Commission for areas proposed for exclusion of land from the ALR and inclusion of land into the ALR for the Jaffray Loop area (i.e., including the Property under Application). The Commission, by Resolution #309/97, approved the exclusion of approximately 17 ha from the ALR (including the western portion of the Property).
- [9] At its meeting of May 12, 2023, the RDEK Board reviewed the Application and resolved to support the proposed inclusion of a ±0.41 ha portion of the Property into the ALR.

## **ANALYSIS AND FINDINGS**

- [10] The Panel considered the Application in context to the accompanying application (69296) for exclusion and whether the resulting size, integrity and continuity of the land base of the agricultural land reserve is improved.
- [11] To assess agricultural capability of the area proposed for inclusion into the ALR, the Panel referred in part to agricultural capability ratings using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system. The improved agricultural capability ratings

applicable to the portion of the Property proposed for inclusion into the ALR are Class 2 and Class 3, more specifically 60% Class 3M with the limitations of M (soil moisture deficiency) and 40% Class 2X with the limitations of X (combination of soil factors).

Class 2 - land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in management.

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.

[12] Based on the agricultural capability ratings, the Panel finds that the Proposal area has prime agricultural capability. From the Site Visit the Panel observed that the Proposal area is a flat cultivated hayfield that lies adjacent to the ALR portion of the Property.

[13] The Panel finds that the inclusion of the Proposal area into the ALR would increase the size and improve the integrity and continuity of the of the ALR land base within the Property, consistent with section 6 of the ALCA.

## **DECISION**

[14] For the reasons given above, the Panel approves the Proposal to include ±0.41 ha of non-ALR land within the northwest portion of the Property into the ALR, as shown in Schedule A of this decision.

- [15] The Commission will advise the Registrar of Land Titles that the Proposal area has been included into the ALR as shown on Schedule A of this decision.
- [16] These are the unanimous reasons of the Panel.
- [17] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(3) of the ALCA.
- [18] Resolution #669/2024  
Released on October 16, 2024

A handwritten signature in black ink, appearing to read 'Jerry Thibeault'.





**Jerry Thibeault, Panel Chair**

On behalf of the Kootenay Panel





ALC FILE NO: 67643	RESOLUTION NO: 669/2024
MAP PRODUCED: October 8, 2024	
MAP SCALE: 1:5,000	
DATA SOURCES & NOTES: ALC, BCGW and ESRI / Maxar. Contains information licensed under Open Government License - British Columbia.	
Map for reference only. Accuracy not guaranteed.	

-  Conditionally Approved Area for Inclusion (~0.41 ha)
-  Subject Property
-  Agricultural Land Reserve
-  PMBC Parcel Cadastre

0 50 100 150 200 250  
Metres

