



Agricultural Land Commission
133-4940 Canada Way
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www.alc.gov.bc.ca

June 26, 2014

ALC File: #53499

Barry Timpany and Bev Sullivan
4813 Lower Wynndel Road
Wynndel, B.C. V0B 2N1

Dear Mr. Timpany and Ms. Sullivan:

Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution #228/2014 as it relates to the above noted application. The Commission has also attached a sketch plan depicting the decision.

Please send two (2) copies of the final subdivision plan to this office. When the Commission confirms that the subdivision plan is in substantial compliance with the subdivision approved by the Commission, it will authorize the Registrar of Land Titles to accept registration of the plan.

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 'C. Fry', written over a horizontal line.

Colin J. Fry, Chief Tribunal Officer

Enclosures: Minutes of Resolution #228/2014
Sketch plan

cc: Regional District of Central Kootenay (File: 4420-20-C-06572.010)

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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 #53499.

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 Fry	Chief Tribunal Officer

PROPOSAL (Submitted pursuant to s. 21(2) of the *Agricultural Land Commission Act*)

To adjust the boundary between a 4.4 ha parcel and a 0.6 ha parcel to create one (1) parcel of approximately 0.6 ha and one (1) parcel of approximately 4.4 ha such that the residence and outbuildings are on the same parcel as the greenhouse and field.

PROPERTY INFORMATION:

Owners: Barry Timpany and Bev Sullivan	Owners: Barry Timpany and Bev Sullivan
Legal: <u>PID: 023-694-483</u> Lot A, District Lot 13566, Kootenay District, Plan NEP23730	Legal: <u>PID: 015-495-736</u> Parcel 2, (Reference Plan 30059D), Lot A, District Lot 9552, Kootenay District, Plan 2105
Location: 4813 Lower Wynndel Road, Wynndel	Location: 4813 Lower Wynndel Road, Wynndel
Size: 4.4 ha	Size: 0.6 ha

SITE INSPECTION

A site inspection of the subject property was conducted on May 12, 2014. Those in attendance included Commissioners Thibeault and Johnson, and the applicants, Bev Sullivan and Barry Timpany.

Section 14(2) of the *Agricultural Land Commission Act* provides that a member of the Commission who was not present at a meeting to determine an application or other matter may vote on the application or matter only if a summary of the meeting is given to the member before the vote. Commissioners Johnson and Thibeault gave a verbal summary of the site inspection to all Commission members recorded above.

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.

COMMISSION CONSIDERATION

The Commission reviewed a previous application involving the subject property:

Application #30523 (Hess, 1996)	Boundary adjustment between two properties (one being the subject property PID 023-694-483, listed above) that split the agricultural field, such that the field would be on one title. Approved by Resolution #401/1996.
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After considering the information the Commission concluded as follows:

The site inspection clarified the proposal and confirmed that the proposed adjustment made sense from an agricultural perspective.

Conclusion:

The proposed configuration will permit the residence and accessory buildings to be on the same title as the greenhouse and field while retaining the present property size for maximum agricultural utility.

IT WAS

MOVED BY: Commissioner Johnson
SECONDED BY: Commissioner Thibeault

THAT the proposal to adjust the boundaries between the two properties be conditionally approved.

AND THAT the final approval is subject to:

1. The subdivision being in substantial compliance with the plan submitted with the application;
and,
2. The subdivision plan being completed within three (3) years from the date of the Commission's letter communicating this decision;

AND FINALLY THAT 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.

CARRIED
Resolution #228/2014

ALC Application #53499 - Sketch Plan
Resolution #228/2014 - Approved Boundary Adjustment

