



June 13, 2016

Agricultural Land Commission
133–4940 Canada Way
Burnaby, British Columbia V5G 4K6
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www.alc.gov.bc.ca

ALC File: 54567

Monashee Surveying
3710A – 28th Street
Vernon, BC V1T 9X2

Dear Sir/Madam:

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

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #214/2016) as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly. A sketch plan depicting the decision is also attached.

Please send two (2) paper copies or one (1) electronic copy of the final survey plan to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Your attention is drawn to s. 33(1) of the *Agricultural Land Commission Act* which provides a person affected the opportunity to submit a request for reconsideration.

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

Per: 

Colin J. Fry, Director of Policy and Planning

Enclosures: Reasons for Decision (Resolution #214/2016)
Sketch plan

cc: Regional District of Central Kootenay (File: A1516)



AGRICULTURAL LAND COMMISSION FILE 54567

REASONS FOR DECISION OF THE KOOTENAY PANEL

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

Applicant:

**Box Lake Lumber
Products Ltd.
(the “Applicant”)**

Agent:

**Monashee Surveying
(the “Agent”)**

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: 016-076-699

Lot 10, District Lot 869, Kootenay District, Plan 905, Except Part included in Plan 8812.

(the “Property”)

[2] The Property is 16.4 ha in area, of which 3.9 ha is in the ALR.

[3] The Property has the civic address 5384 Highway 6, Burton.

[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 Applicant is applying to subdivide the Property along Highway 6 to create one 10.0 ha parcel and one 6.4 ha parcel (the “Proposal”). The majority of the ALR component of the Property would be contained in the proposed 6.4 ha parcel lying west of Highway 6. 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. Agricultural capability map, ALR context map and satellite imagery

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

SITE VISIT

[11] 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.

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 ratings identified on CLI map sheet 82K/04 and 82F/13 for the mapping unit encompassing the ALR component of the Property are Class 3 and Class 4; more specifically (7:3T - 3:4TP).

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 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

The limiting subclasses associated with this parcel of land are P (stoniness) and T (topographic limitations).

[13] The Panel reviewed the CLI ratings and finds that the ALR portion of the Property has capability ratings similar to other properties in the area.

[14] The Agent stated that the Application supported agriculture in the long term as the remainder will remain in the ALR.

[15] The Agent noted that the Property is suitable for subdivision as the current parcel is bisected by Highway 6.

[16] The Regional District of Central Kootenay (the "RDCK") noted that although the Property is approximately 16 ha, it is bisected by Highway 6; west of the Highway although there are 6.4 ha within the ALR, 3.6 ha have been flooded by the Arrow Lake Reservoir; and, east of the highway there is only 0.73 ha within the ALR.

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

[17] The Agent did not provide any evidence or rationale regarding any economic, cultural and social values that may be pertinent to the Application.

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

[18] The Property is designated as “Agriculture (AG)” in the Electoral Area ‘K’ – The Arrow Lakes Official Community Plan, Bylaw No. 2022, (2009) and is zoned as “Agriculture 4K (AG4K) in the Zoning Bylaw No. 1675, (2004). The minimum lot size for this zoning designation is 2 ha, and the Application complies with the minimum lot size.

[19] Local Area Director Paul Peterson supports the Application as proposed.

Weighing the factors in priority

[20] The Panel is of the opinion that the Application, as proposed, will have no negative impact on agriculture, as the Property is bisected by a Highway and the remaining 0.73 ha east of the highway is already effectively separated from the west side of the Property.

[21] Additionally, the Panel believes that the existing 0.73 ha ALR area has limited agricultural utility, and that subdivision will have no impact to agriculture.

DECISION

[22] For the reasons given above, the Panel approves the Proposal to subdivide the Property along Highway 6 to create one 9.2 ha parcels and one 6.4 ha parcel.

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

- a. the subdivision being in substantial compliance with the plan submitted with the Application; and
- b. the subdivision plan being completed within three (3) years from the date of release of this decision.

[24] 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.

[25] Panel Chair **Sharon Mielnichuk** concurs with the decision.
Commissioner **Harvey Bombardier** concurs with the decision.
Commissioner **Ian Knudsen** concurs with the decision.

[26] Decision recorded as Resolution #214/2016.

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 #214/2016. The decision is effective upon release.



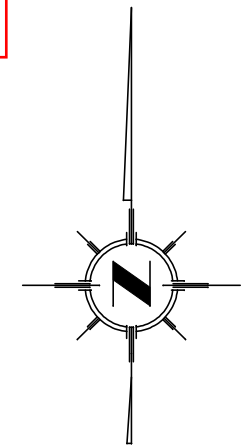
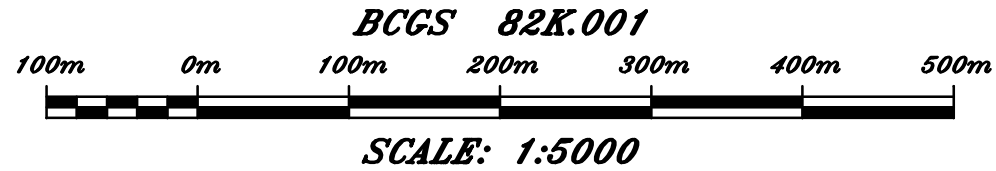
Colin J. Fry, Director of Policy and Planning

June 13, 2016

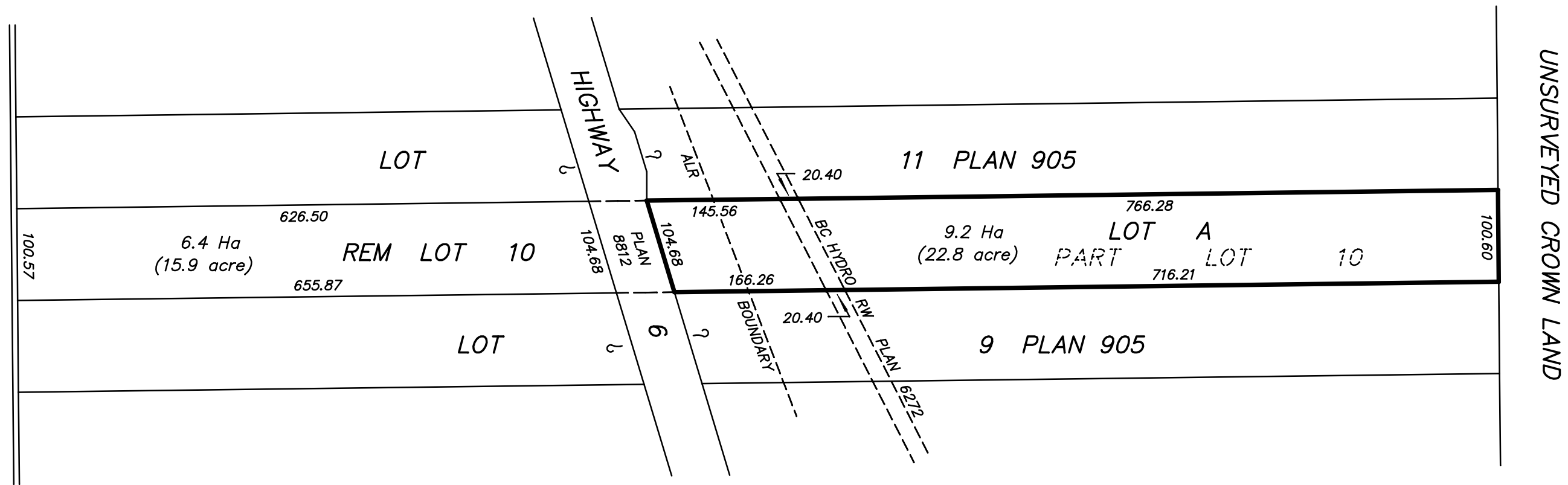
Date Released

*PLAN OF PROPOSED SUBDIVISION OF LOT 10
DISTRICT LOT 869 KOOTENAY DISTRICT PLAN 905
EXCEPT PART INCLUDED IN PLAN 8812*

ALC Application #54567
(Applicant - Box Lake Lumber)
Resolution #214/2016



THE INTENDED PLOT SIZE OF THIS PLAN IS 560mm IN WIDTH BY 432mm IN HEIGHT (C SIZE) WHEN PLOTTED AT A SCALE OF 1:5000



DRAWING: 6335 PROPOSED SUB.DWG

**MONASHEE
SURVEYING · GEOMATICS**

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