



June 13, 2016

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

ALC File: 54716

Wayne and Lise MacFarlane
1410 14th Avenue South
Cranbrook, BC

Dear Mr. and Mrs. MacFarlane:

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 #213/2016) 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

Per: 

Colin J. Fry, Director of Policy and Planning

Enclosures: Reasons for Decision (Resolution #213/2016)
Sketch plan

cc: Regional District of East Kootenay (File: P 715 355)
BC Assessment – #200, 117 Cranbrook Street North, Cranbrook, BC V1C 3P8



AGRICULTURAL LAND COMMISSION FILE 54716

REASONS FOR DECISION OF THE KOOTENAY PANEL

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

Applicants:

**Wayne MacFarlane
Lise MacFarlane
(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: 013-920-103

The Southwest ¼ of District Lot 6867, Kootenay District, Except Plans R176 and
NEP75157

(the “Property”)

[2] The Property is 10.5 ha in area.

[3] The Property has the civic address 6198 Highway 3/95, just east of Cranbrook.

[4] The Property is located 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 an existing barn (approximately 0.4 ha) for recreational vehicle storage (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 application involving the Property:

Application ID: 2179
Legacy File: 28907
(MacFarlane, 1994)

To subdivide a 2.0 ha parcel from the 14.88 ha property pursuant to the homesite severance policy. Allowed by Resolution #601/94.

SITE VISIT

[12] 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**

[13] 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 82G/12 for the mapping units encompassing the Property are Class 2 and Class 4; more specifically (4MP) and (2X).

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 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 M (moisture deficiency), P (stoniness) and X (combination of soil factors).

[14] The Panel reviewed the CLI ratings and finds that the Property has the potential of producing a wide range of crops.

[15] In their letter, the Applicants stated the following: *"The capacity of the land will not be affected. The structure in which the recreational vehicles will be stored is an existing building."*

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

[16] The Applicants 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

[17] The Regional District of East Kootenay (the "RDEK"), in its report stated: *"Although commercial development is generally directed to the communities of Fort Steele, Bull River and Wardner, the proposed operation is not expected to negatively impact the farm land because the RV storage will take place entirely within an existing building with no impact to agricultural land."*

[18] The RDEK Area Planning Commission – Area "C" recommended approval of the Application as, *"the proposed use would not impact agricultural capability of the property."*

Weighing the factors in priority

[19] The Panel concludes that the Proposal will not negatively impact the agricultural capability of the Property, as the non-farm use will be limited to an existing farm building.

[20] The Panel put its mind to section 4.3 (b) but no arguments were provided by the Agent.



DECISION

[21] For the reasons given above, the Panel approves the Proposal to use 0.4 ha of the Property for recreational vehicle storage.

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

- a. The non-farm use is to be contained within the footprint of the existing barn; and
- b. Approval for non-farm use is granted for the sole benefit of the Applicants and is non-transferable.

[23] 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.

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

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

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

[25] Decision recorded as Resolution #213/2016.

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 #213/2016. The decision is effective upon release.

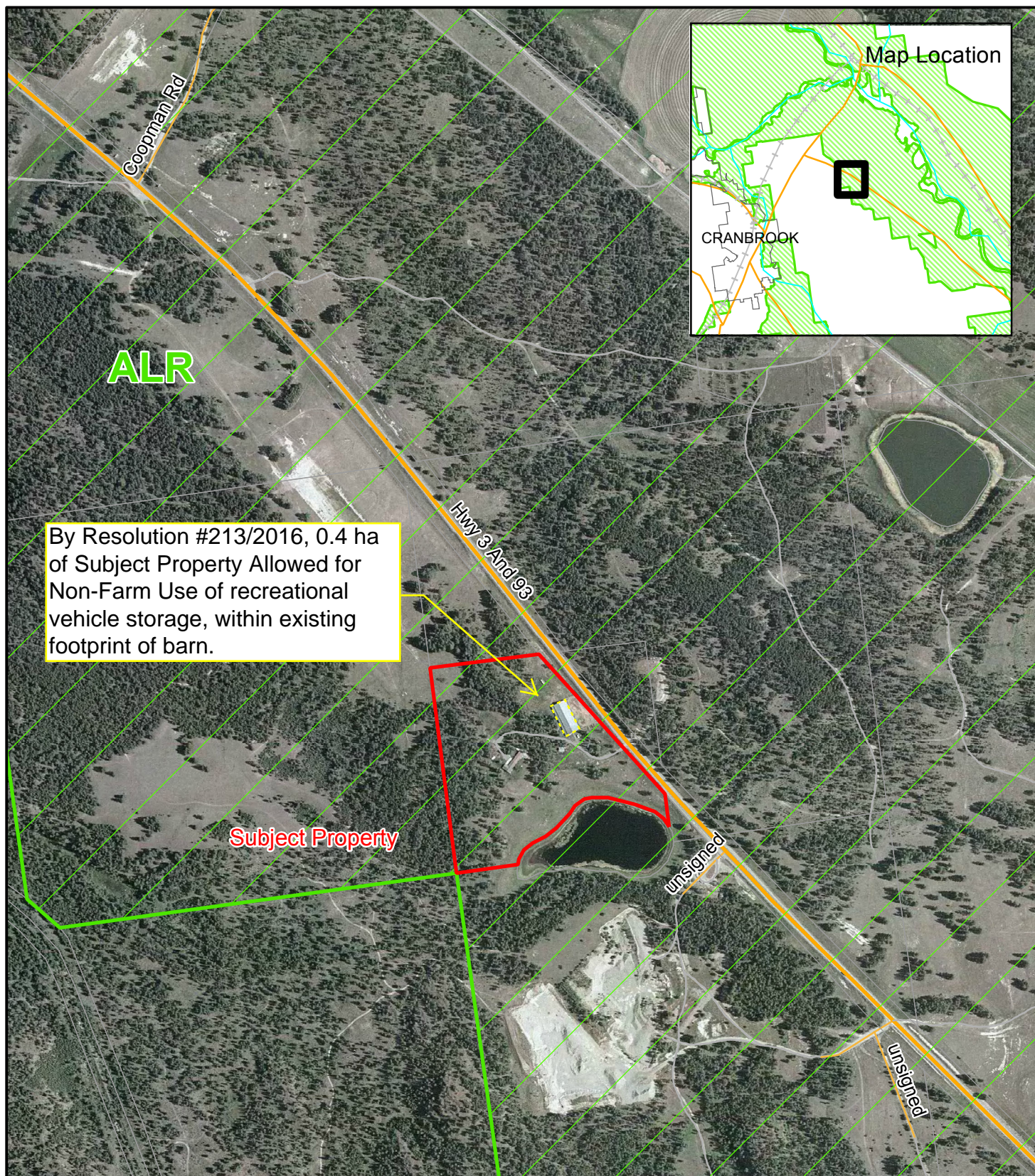
A handwritten signature in black ink, appearing to be 'CF', is located on the left side of the page.

Colin J. Fry, Director of Policy and Planning

June 13, 2016

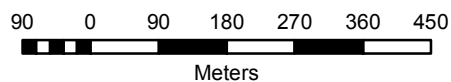
Date Released

ALC Application #54716
(Applicant - MacFarlane)
Resolution #213/2016



Airphoto Map
Ortho Photo Mosaic
Colour 1995-2004 (1m)

Map Scale: 1:10,000



ALC File #:	54716
Mapsheet #:	82G.052
Map Produced:	Apr 6, 2016
Regional District:	East Kootenay