



Agricultural Land Commission
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August 15, 2016

ALC File: 55075

Chris-Anne Gilmore
6370 12th Street
Grand Forks, BC V0H 1H0

Dear Ms. Gilmore:

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

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #306/2016) 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 has been 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.

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 Riccardo Peggi at (Riccardo.Peggi@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Colin J. Fry, Director of Policy and Planning

Enclosures: Reasons for Decision (Resolution #306/2016)
Sketch plan

cc: City of Grand Forks (File: 2016SUBGILALC)

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AGRICULTURAL LAND COMMISSION FILE 55075

REASONS FOR DECISION OF THE KOOTENAY PANEL

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

Applicants:

**Chris-Anne Gilmore
Lawrence Joseph Gilmore
Robin Diana Whittall
Johan Verkerk
(the “Applicants”)**

Agent:

**Chris-Anne Gilmore
(the “Agent”)**

Application before the Kootenay Regional Panel:

**Sharon Mielnichuk, Panel Chair
Harvey Bombardier
Ian Knudsen**



THE APPLICATION

[1] The legal description of the properties involved in the application are:

- a. Parcel Identifier: 027-805-654
Lot 1, District Lot 382, Similkameen Division Yale District, Plan KAP88504,
Except Plan KAP89680
- b. Parcel Identifier: 028-017-901
Lot A, District Lot 382, Similkameen Division Yale District, Plan KAP89680

(collectively the “Properties”)

[2] The Properties are 1.1 ha and 1 ha in area respectively.

[3] The Properties are generally described as being located on 12th Street, Grand Forks, BC.

[4] The Properties are 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 adjust the boundaries between the Properties to create new parcel sizes of 0.4 ha and 1.7 ha (the “Proposal”). The Proposal along with supporting documentation is collectively the application (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 Agent in advance of this decision.



[11] The City of Grand Forks (the “City”) resolved to forward the Application with support.

[12] The Panel reviewed two previous applications involving the Property:

Application ID: 44704
Legacy File: 37898
(Gilmore, 2007)

To subdivide the 2.7 ha property into three parcels of 0.7 ha, 1.0 ha, and 1.0 ha. The Commission noted that the property was actually 2.07 ha, not 2.7 ha. An alternate proposal of subdivision of the property into two parcels of approximately 1.0 ha was approved by Resolution #315/2008.

Note: This approval created the Properties.

Application ID: 42553
Legacy File: 36377
(Kabatoff, 2005)

To subdivide the 4.6 ha property into four parcels of 0.8 ha, 1.0 ha, 1.0 ha, and 1.8 ha. The application was approved by C Resolution #91/2006.

Note; This approval created the parent property that was the subject of subdivision application (Application ID: 44704) noted above.

SITE VISIT

[13] 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

[14] 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 82E/01 for the mapping unit encompassing the Property is Class 4; more specifically (4M).

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

The limiting subclass associated with this parcel of land is M (moisture deficiency).

[15] The Panel reviewed the CLI ratings and find that the Properties have moderate capability for agriculture.

[16] In her letter, the Agent stated that the purpose of the proposal is:

“to enable Johan Verkerk and Robin Whittall to grow hay and have livestock (horse, chickens etc)”

[17] The Panel believes that the boundary adjustment will increase the farmable area available to the Applicants. The Panel believes that the boundary adjustment is in support of farming.

[18] The Panel noted that the Properties are located in an area of primarily rural residential use. Therefore, the Panel believes that the proposed parcel sizes are appropriate for the area.

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

[19] 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



[20] The City, in its report, noted that the Proposal is consistent with zoning and the official community plan for the area.

Weighing the factors in priority

[21] The Panel believes that the boundary adjustment will increase the farmable area available to the Applicants. The Panel believes that the boundary adjustment is in support of farming.

[22] The Panel gave consideration to economic, social and cultural values and regional and community planning objectives planning as required by s. 4.3. In this case, the Panel finds that these considerations are not contributory to the decision given the Panel's finding following its review of the agricultural considerations.

DECISION

[23] For the reasons given above, the Panel approves the Proposal to adjust the boundary between the Properties to create new parcel sizes of 0.4 ha and 1.7 ha.

[24] 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.

[25] 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.

[26] Panel Chair Sharon Mielnichuk concurs with the decision.
Commissioner Harvey Bombardier concurs with the decision.



Commissioner Ian Knudsen concurs with the decision.

[27] Decision recorded as Resolution #306/2016.

A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the
Agricultural Land Commission Act.

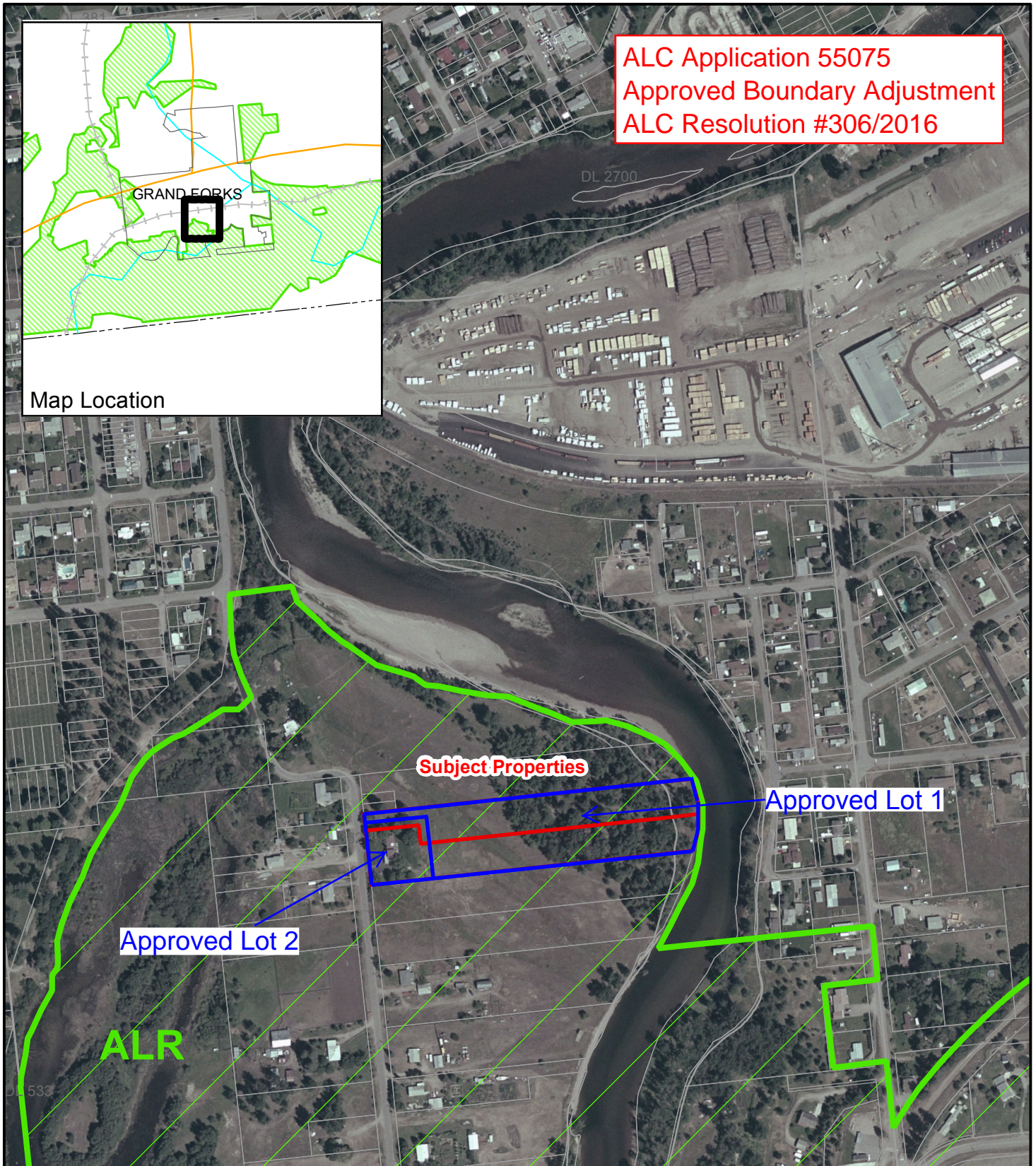
Upon instruction of the Panel, I have been authorized to release the Reasons for Decision by
Resolution #306/2016. The decision is effective upon release.

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

Colin J. Fry, Director of Policy and Planning

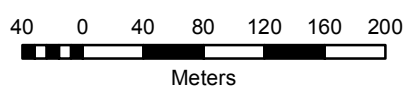
August 15, 2016

Date Released



Airphoto Map

2005 Natural Colour
Map Scale: 1:5,000



ALC File #:	55075
Mapsheet #:	82E.008
Map Produced:	May 25, 2016
Regional District:	Kootenay Boundary