



Agricultural Land Commission
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February 19, 2016

ALC File: 54426

Seigfried Liebmann
PO Box 1872
Golden, BC
V0A 1H1

Dear Mr. Liebmann:

Re: Application for a Non-Farm Use in the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #58/2016) 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.

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.

- 33(1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that:
- (a) evidence not available at the time of the original decision has become available,
 - (b) all or part of the original decision was based on evidence that was in error or was false.

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.

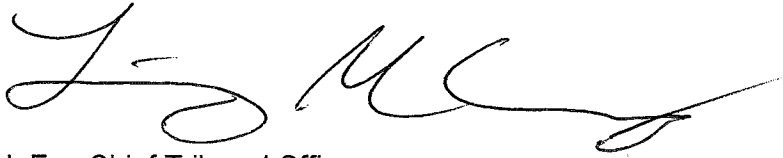
Further correspondence with respect to this application is to be directed to Lindsay McCoubrey at (Lindsay.McCoubrey@gov.bc.ca).

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Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'C. Fry', written in a cursive style.

Colin J. Fry, Chief Tribunal Officer

Enclosures: Reasons for Decision (Resolution #58/2016)
Sketch Plan

cc: Columbia Shuswap Regional District (File: LC2505A)

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AGRICULTURAL LAND COMMISSION FILE 54426

**REASONS FOR DECISION
OF THE KOOTENAY PANEL**

Application submitted pursuant to s. 20(3) of the *Agricultural Land Commission Act*

Applicants:

**Lawrence Jackson
Priscilla Jackson
(the “Applicants”)**

Agent

Siegfried Liebmann

Application before the Kootenay Regional Panel

**Sharon Mielnichuk, Panel Chair
Ian Knudsen**

THE APPLICATION

[1] The legal description of the property involved in the application is:

Parcel Identifier: 009-695-265

Lot 1, Section 8, Township 26, Range 21, West of the 5th Meridian, Kootenay

District, Plan 14854

(the "Property")

[2] The Property totals 5.6 ha in area.

[3] The Property is located south of Golden, off of (1212) Horse Creek Road.

[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 Properties are located within Zone 2 as defined in s. 4.2 of the ALCA.

[6] Pursuant to s. 20(3) of the ALCA the Applicant is trying to sell the 5.6 ha property and the potential purchaser would like to use approximately 1.5 ha of the property for a timber framing business. A 1265 square metre building is proposed to be constructed for the business (the "Application").

[7] On January 5, 2016, the Chair of the Agricultural Land Commission (the "Commission") referred the Application to the Kootenay Regional Panel (the "Panel").

RELEVANT STATUTORY PROVISIONS

[8] The Application was made pursuant to s. 20(3) of the ALCA:

20(3) An owner of agricultural land or a person with a right of entry to agricultural land granted by any of the following may apply to the commission for permission for a non-farm use of agricultural land.

[9] 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

[10] The Panel considered the Application within the context of s. 6 of the *ALCA*:

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

[11] 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.



[12] The Columbia Shuswap Regional District forwarded the application for the ALC's review with a recommendation of support.

[13] There are no local government bylaws affecting the property.

[14] The Panel noted that it had approved many previous applications in the surrounding area, although no previous application had been considered on the Property. The Property is surrounded on all sides by non-ALR properties.

FINDINGS

[15] The Panel noted that the Property is an isolated piece of ALR, surrounded by residential lots and other light industrial use.

[16] The Panel acknowledged that the non-farm use proposal has very minor effects on the agricultural capability of the Property, and does not represent substantial negative impact to agriculture.

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

[17] No references to economic, cultural or social values were made in the Application.

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

[18] There are no regional or community planning priorities in this area.

Weighing the factors in priority

[19] The Panel believes that the isolated nature of the Property from adjacent ALR, and the limited impact of the proposed use, lends support to the application.



DECISION

[20] For the reasons given above, the Panel approves the Application for a non-farm use on 1.5 ha of the 5.6 ha Property, including the construction of a 1265 square metre structure.

[21] The approved Application is subject to the following conditions:

- a. the non-farm use be contained within the 1.5 ha area shown on the sketch plan submitted with the application;
- b. the non-farm use must be commenced within three (3) years from the date of this decision;

[22] 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.

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

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

[24] Decision recorded as Resolution #58/2016.

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 #58/2016. The decision is effective upon release.



Colin J. Fry, Chief Tribunal Officer

February 19, 2016
Date Released



APPROVED NON-FARM
USE ON 1.5 ha

Space used for non ALR activities
New Shop
Wood storage
logistic etc

Grazing for cattle in fenced padocks

Subject Property: Parcel Identifier 009-695-265.
Lot 1 Section 8
Township 26
Range 21 West of 5th Meridian in Kootenays
District Plan 14854

Highway 95

Horsecreek Rd.

Campbell Rd.

Mobile Home

Garage

Gravel Arena

Main House

Shelter 4

Shelter 1

Pole Barn

Shelter 3

Shelter 2

ALC FILE 54426
RESOLUTION # 58/2016