



**Agricultural Land Commission**  
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December 14, 2006

Reply to the attention of Gordon Bednard  
ALC File: #L - 36819

Dennis Hockley  
1105 - 12th Avenue, S  
Cranbrook, BC V1C 2T4

Dear Sir:


**Re: Application for Non-Farm Use in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 639/2006 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

  
Erik Karlsen, Chair

cc: Regional District of East Kootenay (#P-705-209)  
Jody McInnes, 319 - 5th Avenue, S. Cranbrook, BC V1C 2G7  
Fennell Associates Consulting 1301 - 16th Street, S. Cranbrook, BC V1C 5K5  
Integrated Land Management Bureau, 1902 Theatre Road, Cranbrook, BC V1C 7G1  
Attn: Murray McPhail (# 4404282/3)

GB/lv/Encl.: Minutes/Sketch Plan  
36819d1

**Provincial Agricultural Land Commission**

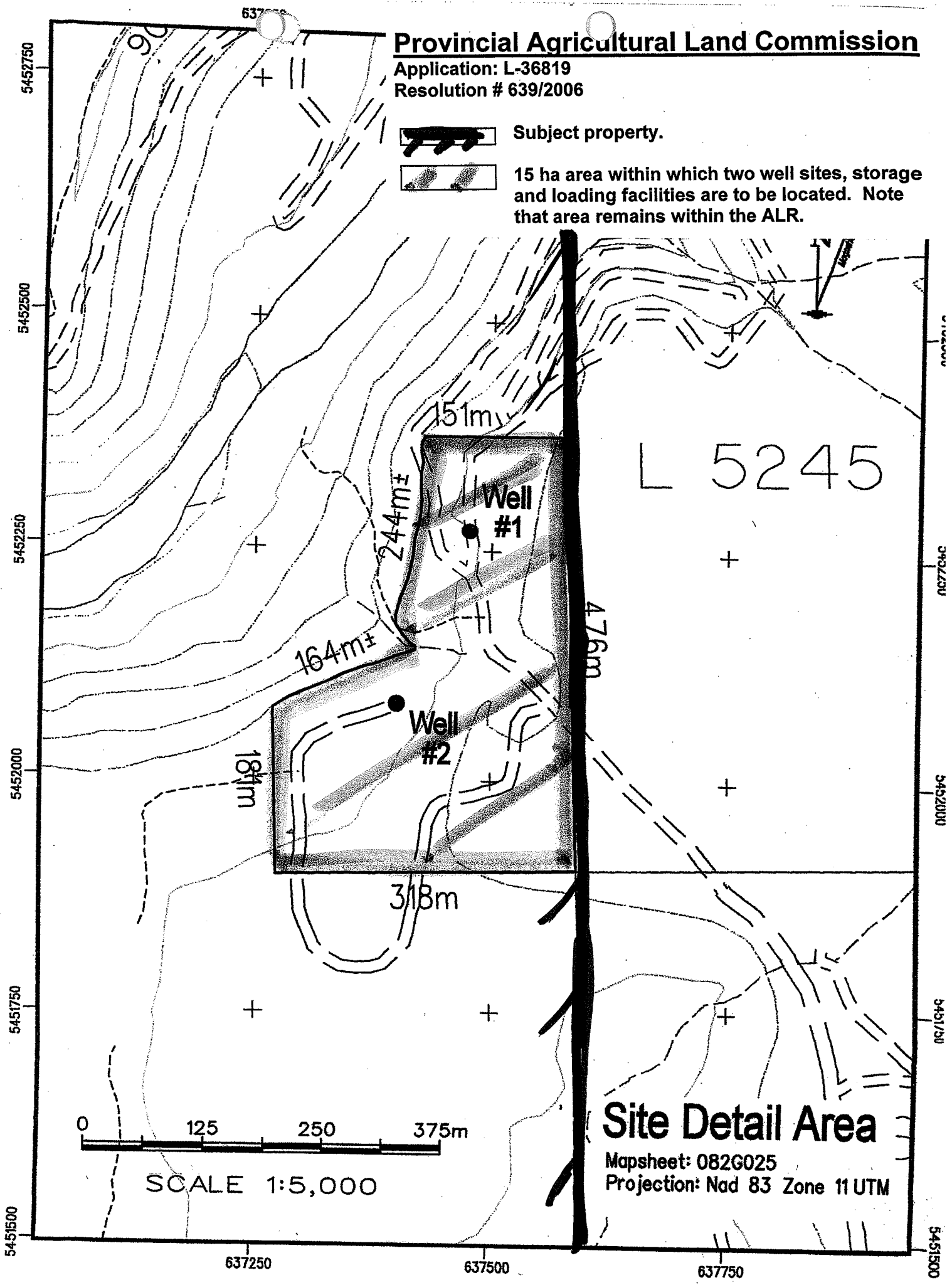
Application: L-36819  
Resolution # 639/2006



Subject property.



15 ha area within which two well sites, storage and loading facilities are to be located. Note that area remains within the ALR.



L 5245



SCALE 1:5,000

**Site Detail Area**

Mapsheets: 082G025  
Projection: Nad 83 Zone 11 UTM

5452750  
5452500  
5452250  
5452000  
5451750  
5451500

637250 637500 637750

NC77C4C  
5452000  
5451750  
5451500



# MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 18, 2006 at Cranbrook, B.C.

<b>PRESENT:</b>	Monika Marshall	Chair, Kootenay Panel
	Carmen Purdy	Commissioner
	Erik Karlsen	Chair, ALC
	Gordon Bednard	Staff, ALC

### For Consideration

Application: # L- 36819  
 Applicant: Dennis Hockley  
 Proposal: Temporary permit to extract spring water from a natural spring.  
 Drilling of a well will take place to connect to the spring water that will be pumped up to a storage and loading area.  
 Legal: PID: 911-3941  
 That part of Sublot 29, District Lot 4589, Kootenay District, Plan X27  
 Location: 12 kilometers South of Elko

### Site Inspection

A site inspection was conducted on October 18, 2006. Those in attendance were:

Monika Marshall	Chair, Kootenay Panel
Carmen Purdy	Commissioner
Erik Karlsen	Chair, ALC
Gordon Bednard	Staff, ALC
Dennis Hockley	Applicant

The Commission viewed the property and discussed the application with Mr. Hockley.

### Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. 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.

**Discussion**

**Assessment of Impact on Agriculture**

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land. The proposed well site is on steeply sloping land along the southern bank of the Elk River. The site is on a small bench of land which limits agricultural use, and is located at some considerable distance from the nearest agricultural operation. For these reasons the Commission does not believe the proposal would impact existing or potential agricultural use of the subject or surrounding lands.

**IT WAS**

**MOVED BY:** Commissioner Carmen Purdy

**SECONDED BY:** Commissioner Erik Karlsen

THAT the application be allowed. Only the establishment of the well, storage, and loading facilities are approved by this decision. The construction of bottling facilities, as outlined in Phase III of the proposal must be specifically considered and approved by the Commission, if and when plans for that phase of development are initiated.

AND THAT the approval is subject to the following conditions:

- the location of the well sites, storage and loading facilities are as shown on the map submitted with the application.

AND THAT the approval is granted to the applicant only.

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 # 639/2006**



**Staff Report**  
**Application # L – 36819**  
**Applicant: Dennis Hockley**  
**Agent: Jim M. Fennell & Assoc. Consulting**

**DATE RECEIVED:** July 12, 2006

**DATE PREPARED:** September 1, 2006

**TO:** Chair and Commissioners – Kootenay Panel

**FROM:** Simone Rivers, Land Use Planner

**PROPOSAL:** Temporary permit to extract spring water from a natural spring. Drilling of a well will take place to connect to the spring water that will be pumped up to a storage and loading area.

**BACKGROUND INFORMATION:**

The applicant is proposing to drill a well on the property and extract spring water for sale to bottled water producers.

The comments submitted by the Advisory Planning Commission with the application state that there has been much local opposition to the application. However, the concerns do not appear to be agricultural in nature. None of the opposition letters nor a copy of the petition signed by 87 concerned local residents were forwarded to the Commission.

**Local Government:**

Regional District of East Kootenay

**Legal Description of Property:**

That part of Sublot 29, District Lot 4589, Kootenay District, Plan X27;

**Location of Property:**

12 kilometers South of Elko

**Size of Property:**

12 ha (The entire property is in the ALR).

**Present use of the Property:**

Vacant Crown land.

**Surrounding Land Uses:**

**WEST:** Grazing  
**SOUTH:** Grazing  
**EAST:** Hobby farming  
**NORTH:** Inaccessible

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82G/3  
The majority of the property is identified as having mixed prime and secondary ratings.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Regional District of East Kootenay:** The Regional Board does not support the application for water extraction on Crown land located in the Elko-Grasmere area.

**Advisory Planning Commission:** the APC for Electoral Area C recommended the application not be supported as presented because of concerns associated with road traffic and maintenance; impact on aquifer, on residents' life style, on real estate values, on archaeological sites, on wildlife, on aboriginal interests, concerns that a proven private well should be used, and there is strong local opposition in form of a petition with 87 signatures.

**Agricultural Advisory Commission:** The AAC accepted the application, none opposed.

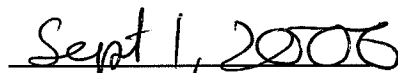
**ATTACHMENTS:**

- Spring Water Extraction Project (a summary of the proposal, submitted by the applicants)
- Map: Site Detail Area (submitted by the applicants)
- Map: ALR Context Map (82G/3) 1:50,000 (created by ALC Staff)
- E-mail correspondence from Heath Slee to Marie James Re: ILMB Land Referral Hockley/McInnes (submitted by RDEK)

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**END OF REPORT**

  
Signature

  
Date