



**Agricultural Land Commission**  
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December 14, 2006

Reply to the attention of Gordon Bednard  
ALC File: L-36874

Holmes Cattle Co. Ltd.  
c/o PO Box 9  
Fort Steele, BC V0B 1N0

Dear Sir:

**Re: Application to Subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 615/2006 outlining the Commission's decision as it relates to the above noted application.

Please send two (2) paper prints of the final survey plans 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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of East Kootenay (#P706-315)  
Capital West Development Inc., #500-1505 West Second Avenue  
Vancouver, BC V6H 3Y4

GB/lv/Encl.: Minutes/Sketch Plan  
36874d1

denotes picture number and direction.

District Lot 2312  
(crown)

Block A

District Lot 2312

2

Log Garage  
Log House  
Well  
Septic Field

Proposed  
Remainder  
8 ha 3005

District Lot  
2312

District Lot  
3

Plan

B  
AREA = 13 ha

16883

4

HOLLIES ROAD

Lot 1  
DL 3006  
KD  
Plan 16883  
PID 006-778-0975  
Proposed

Plan NEP58958  
(PID 023-739-193)

Proposed  
2 HA

District Lot  
3005

Highway 99  
Plan R-311

5

Regional Garbage  
Transfer Station

Plan  
NEP 20388  
AREA = 2.0 ha

PID's 008-396-388 and  
023-739-185 are to south  
and east of this proposal.  
see attached plans.

(crown)

GRIFFITH SURVEYS  
R. Griffith Land Surveying Inc.

This plan lies within the

### Provincial Agricultural Land Commission

Application: L-36874

Resolution # 615/2006



Subject property.



Approved subdivision boundary. Lots remain within the ALR.



**Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission does not believe the proposal would impact existing or potential agricultural use of surrounding lands.

**IT WAS**

**MOVED BY:** Commissioner Carmen Purdy

**SECONDED BY:** Commissioner Erik Karlsen

THAT the application be approved as presented for the above reasons.

AND THAT the approval is subject to the subdivision be in substantial compliance with the plan submitted with the application.

AND THAT subdivision must be completed within three (3) years from the date of this decision.

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 # 615/2006**



**Staff Report**  
**Application # L – 36874**  
**Applicant: Holmes Cattle Co. Ltd. and**  
**Capital West Development Inc. # 185459**  
**Agent: Albert Holmes**

**DATE RECEIVED:** August 16, 2006

**DATE PREPARED:** September 12, 1006

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

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

**PROPOSAL:** To subdivide the 12 ha property into two 2 ha lots and one 8 ha lot.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

The applicants state that the area of the two 2 ha parcels is rolling with intermittent fir and pine and is very rocky. They further state that the remaining area has a residence with out-buildings. This proposed property has a flat area that is devoid of trees and that the remainder rises up to a level bench which has intermittent fir and pine. They further state that there is Christmas tree harvesting on these lands.

**Local Government:**

Regional District of East Kootenay

**Legal Description of Property:**

PID: 006-778-097

Lot 1, District Lot 3006, Kootenay District, Plan 16883, Except Plan NEP80388

**Location of Property:**

Holmes Road, Fort Steele

**Size of Property:**

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

**Present use of the Property:**

Residence, outbuildings and Christmas tree harvesting

**Surrounding Land Uses:**

**WEST:** Residential  
**SOUTH:** Lot A  
**EAST:** Residential, cattle grazing and Christmas tree harvesting  
**NORTH:** Residential

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82G/12  
The majority of the property is identified as having Secondary ratings.

**Official Community Plan and Designation:**

Fort Steele - Bull River Land Use Bylaw No. 1804 (2005) designates the property as RR-8 Rural Residential (Country)  
Minimum parcel size 8 ha.

**PREVIOUS APPLICATIONS:**

**Application #34927-0**

**Applicant:** Holmes Cattle Co.  
**Decision Date:** August 27, 2003  
**Proposal:** To subdivide off a 2 ha parcel from the south end of the subject property. The applicant wishes to sell the proposed 2 ha lot to help recoup the cost of a 13,000 gallon cistern that was recently built in the vicinity for their cattle and Christmas tree operation. An easement would be required through the proposed lot for the existing water main.  
**Decision:** Allow as requested.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Regional District of East Kootenay Board:** The Regional Board forwarded the application with a recommendation of support.

**Advisory Planning Commission:** The APC for Electoral Area C strongly supports this application.

**Local Government Planning Staff:** Planning staff recommend that the application not be supported because the proposed subdivision is not consistent with Bylaw subdivision policies. It further notes that the proposal is to create additional new parcels within 1000 m of the existing transfer station. Bylaw policy amendment and rezoning are required.

**ATTACHMENTS:**

- ALC Context Map - 82G/12 1:50,000 (Created by ALC Staff)
- Sketch of Proposed Subdivision (submitted by the applicant)
- Airphoto (black and white) (submitted by RDEK)

**END OF REPORT**

*Armond Rivers*

Signature

*Sept 12, 2006*

Date