



Agricultural Land Commission
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April 20, 2007

Reply to the attention of Terra Kaethler
ALC File: # L - 37161

Daniel and Lenore Rohrick
PO Box 2366, 2700 Westside Road
Invermere, BC V0A 1K0

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 130/2007 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

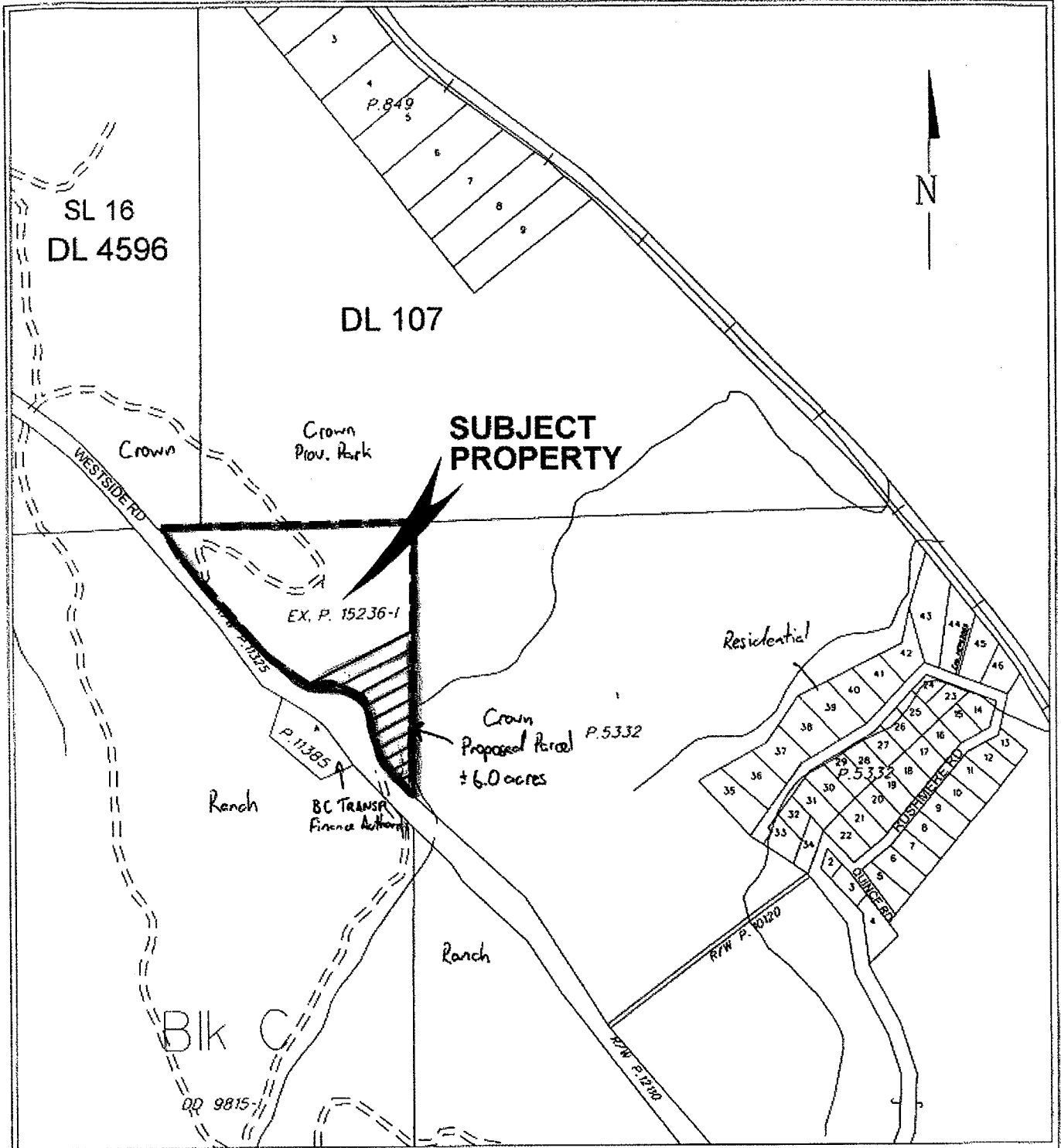
Per:

Erik Karlsen, Chair

cc: Regional District of East Kootenay (#P-706-561)

Enclosure: Minutes/Sketch Plan

TK/lv
37161d1



Provincial Agricultural Land Commission
Application # 37161
Resolution #130/2006



Subject Property



2 ha area approved for subdivision



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 21, 2007 in Cranbrook, B.C.

PRESENT:	Monika Marshall	Chair, Kootenay Panel
	Carmen Purdy	Commissioner
	D. Grant Griffin	Commissioner
	Terra Kaethler	Staff
	Roger Cheetham	Staff

For Consideration

Application: # L- 37161
 Applicant: Daniel and Lenore Rohrick
 Proposal: Subdivision for a Relative: The proposal is to subdivide one (1) parcel approximately 2.0 ha in size for the applicant's son.
 Legal: PID: 016-334-639
 Lot 346, Parcel 1, Explanatory Plan 152361 of Parcel C (see9815-l), Kootenay District, Plan X19
 Location: 2700 West Road, Rushmere

Site Inspection

A site inspection was conducted on March 21, 2007. Those in attendance were:

- Danial Rohrick Applicant
- Monika Marshall Chair, Kootenay Panel
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Terra Kaethler Staff
- Roger Cheetham Staff

The Commissioners viewed the property and discussed the proposal with the applicant. The Commission noted that the triangular property was on a steep ridge and surrounded by Provincial Park on two sides, with a large ranch separated by a road on the remaining side. The Commission viewed the portion of the property proposed for subdivision and noted it was the bottom of a steep ridge.

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 Agricultural Capability

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the subject property is rated as:

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

The Commission considered that the topography of the subject parcel also limited the agricultural capability of the property.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. Given that the property is an isolated small parcel, surrounded by parkland and a large ranch, the Commission does not believe the proposal would impact existing or potential agricultural use of surrounding lands.

Conclusions

1. That the land under application has limited agricultural capability.
2. That the proposal will not impact agriculture.

IT WAS

MOVED BY: Commissioner Purdy

SECONDED BY: Commissioner Griffin

THAT the application be approved;

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- the 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 # 130/2007



Staff Report
Application # L – 37161
Applicant: Daniel and Lenore Rohrick

DATE RECEIVED: January 10, 2007

DATE PREPARED: March 7, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: Subdivision for a Relative: The proposal is to subdivide one (1) parcel approximately 2.0 ha in size for the applicants son.

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

BACKGROUND INFORMATION:

Local Government:

Regional District of East Kootenay

Legal Description of Property:

PID: 016-334-639

Parcel 1, (Explanatory Plan 152361) of Parcel C (see 98151), District Lot 346, Kootenay District, Plan X19

Purchase Date:

September 1979

Location of Property:

2700 West Road, Rushmere

Size of Property:

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

Present use of the Property:

Residence, garage

Surrounding Land Uses:

WEST: K-2 Ranch
SOUTH: Rushmere Properties
EAST: Federal Land
NORTH: Provincial Park - Sunshine Ranch

Agricultural Capability:

Data Source: Agricultural Capability Map # 82 J/5
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

OCP: N/A
Designation: N/A

Zoning Bylaw and Designation:

Upper Columbia Valley Zoning Bylaw No. 900
Designation: A-1, Rural Resource Zone
Minimum Lot Size: 60 ha

RELEVANT APPLICATIONS:

Application #30378-0

Applicant: Rogers Wireless Inc
Decision Date: March 14, 1996
Proposal: To construct a communications facility including a 300' guy tower and 10' by 12' equipment shelter plus access from Westside Road utilizing 0.98 ha of the subject property
Decision: Allowed with usual restorative conditions

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The East Kootenay Regional District Board: The Regional Board forwarded the application with a recommendation of support subject to the applicant providing a statutory declaration confirming the property is for a relative and that after the subdivision and transfer of the lot to the relative, the parcel will not be sold for five years, except in the case of estate transfer.

Advisory Planning Commission Area F & G: The APC supports the application.

STAFF COMMENTS:

Staff note the following:

The triangular property is bordered on two sides by Windermere Lake Provincial Park and on one side by Westside Road. According to the application there is a ranch on the other side of the road. The subject property appears to have low agricultural capability due mainly to topography. Staff recommend a site visit to better assess the agricultural capability of the subject property as well as to assess the impact on surrounding agricultural operations of this application. Creation of a new lot in this location may have a negative impact on surrounding ranch operations in the future. Subdivision may also create an expectation that future such applications in the surrounding area may be allowed.

ATTACHMENTS:

- Sketch plan showing proposed subdivision (submitted by RDEK)
- ALR Context Map - 82J/5 - 1:50,000 (created by ALC Staff)
- ALR Context Map showing contours and adjacent provincial park 82J.041 - 1:20,000 (created in iMap by ALC Staff)
- Airphoto.

END OF REPORT

Simon Rivera
Signature

March 7, 2007
Date