



Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
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www.alc.gov.bc.ca

July 24, 2008

Reply to the attention of Jennifer Carson
ALC File: L-38240

Lisa Tettamanti-Ratvay & David Ratvay
RR1 - Site 4 - D-0, 8297 Betts Road
Wardner, BC V0B2J0

Dear Mrs. Tettamanti- Ratvay and Mr. Ratvay:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 389/2008 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.

The Commission draws your attention to sections 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration. Please note the very specific requirements for reconsideration.

- S.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.
- (2) The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.

A revised proposal does not constitute new information and will not be considered as a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this decision.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:


Erik Karlsen, Chair

cc: Regional District of East Kootenay (P-708-319)
BC Land Title & Survey,

Enclosure: Minutes/Sketch Plan

JC/38240d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on July 8, 2008 in Cranbrook, B.C.

PRESENT:	Monika Marshall	Chair, Kootenay Panel
	Carmen Purdy	Commissioner
	D. Grant Griffin	Commissioner
	Erik Karlsen	Commissioner
	Jennifer Carson	Staff

For Consideration

Application: # L- 38240
Applicant: Lisa Tettamanti-Ratvay
Proposal: To subdivide the 122 ha subject property to create four (4) parcels of 8 ha, 12 ha, and 13 ha with an 87 ha remainder for the owners. The remaining 2 ha not accounted for in the proposed lot sizes is for road allowance to access the new parcels.
Legal: PID: 008-098-182
Location: District Lot 16255, Kootenay District, Except Part in Plan NEP77396
8297 Betts Road, Wardner

Site Inspection

A site inspection was conducted on July 8, 2008. Those in attendance were:

- Monika Marshall Chair, Kootenay Panel
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Erik Karlsen Commissioner
- Jennifer Carson Staff
- Lisa Tettamanti-Ratvay Applicant
- David Ratvay Applicant

The Commission met with the applicants to discuss the application. The applicants explained that they sold approximately 7.3 hectares two years previously to their neighbours within a lot line adjustment. Furthermore, they mentioned that there have been numerous approvals for subdivisions in the area. The plan of the applicants is to sell the smaller properties while retaining the larger lot to build a house and to perhaps have a home based business. The Commission drove the roads on the property that would be used to access the proposed parcels. While most of the property was forested, there was an extensive field on the property that was used for grazing.

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 improved ratings for the agricultural capability of the soil of the subject property are

- Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.
- 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.

Subclasses

- P stoniness
- T topography

Assessment of Agricultural Suitability

The Commission assessed whether the external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external factors that render the land unsuitable for agricultural use. However, while viewing the property, the Commission noted that the northeastern portion of the property had minimal agricultural capability and discussed the possibility of allowing two 8.0 ha lots in this area while leaving the remainder of the property as one unit. The Commission believes that further parcelization of this property would be inappropriate.

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 believes the proposal as submitted would impact existing or potential agricultural use of surrounding lands. However, if contained within the northeastern portion of the property, the Commission believes that the creation of two 8.0 ha parcels would not have an adverse impact on the existing subject property, nor would it impact the potential agricultural use of surrounding areas.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That majority of the land under application is suitable for agricultural use.
3. That an alternative subdivision acceptable to the Commission will not impact agriculture.

IT WAS

MOVED BY: Commissioner Purdy

SECONDED BY: Commissioner Griffin

THAT the application be refused as proposed.

AND THAT the creation of two 8.0 ha lots in the north eastern portion of the property would be allowed.

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the Commission's decision
- 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 # 389/2008

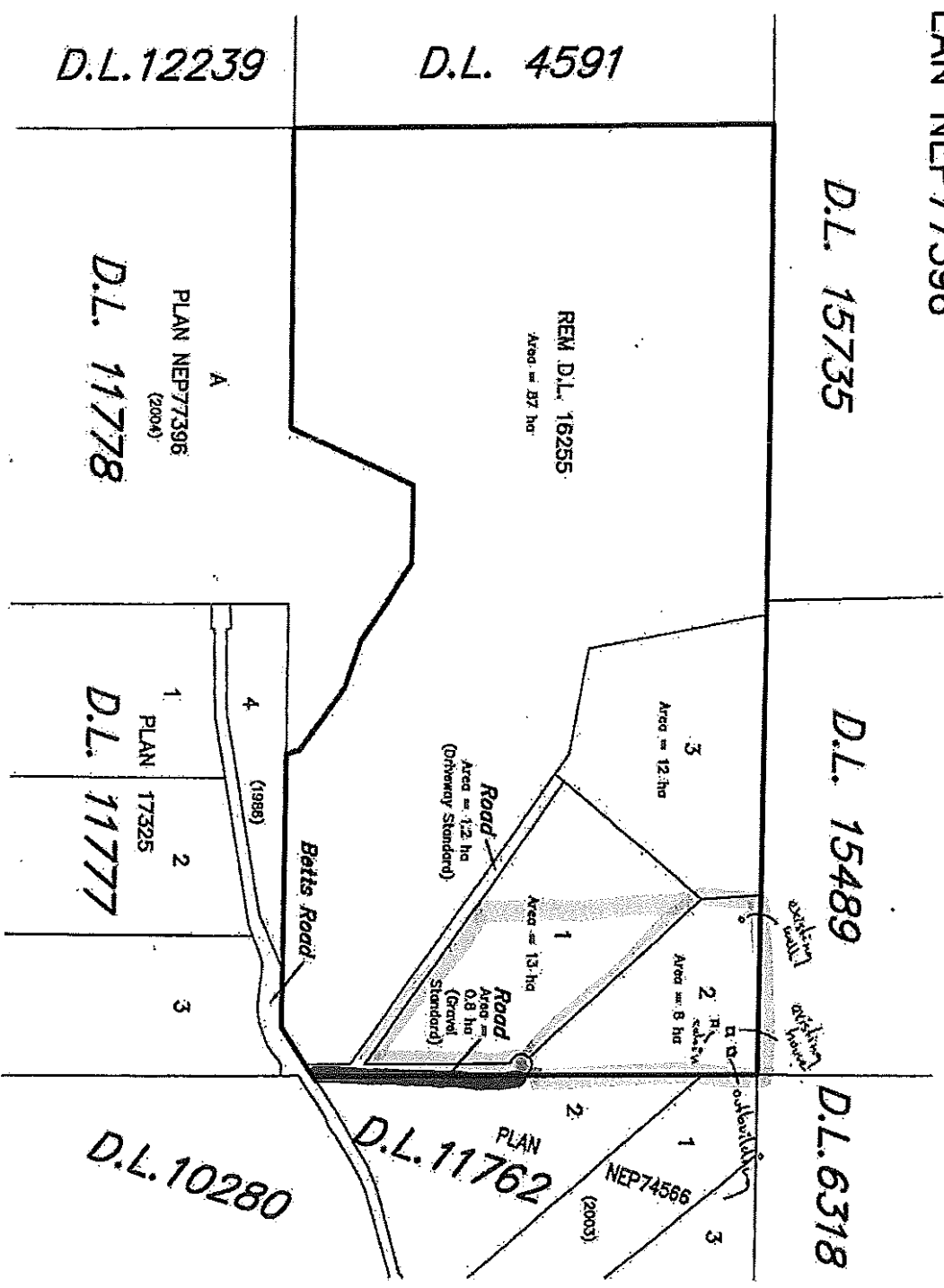
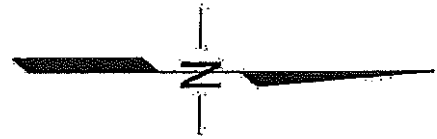
PLAN OF PROPOSED SUBDIVISION OF
DISTRICT LOT 16255 KOOTENAY DISTRICT
EXCEPT PART IN PLAN NEP77396

BCGS 82G.043



SCALE 1 : 7500

The areas shown hereon are approximate and will be verified upon legal survey.



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DL16255-PSUB

Resolution # 389/2008

- Approximate boundaries of the (a) approved 8.0 ha lots
- Approximate location for approved road to access north-eastern lot

APRIL, 2008
PRELIMINARY