



**Agricultural Land Commission**  
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April 28, 2005

Reply to the attention of Roger Cheetham

Regional District of Central Kootenay  
Box 590  
Nelson, BC V1L 5R4

Attention Bruce Gunn

**Re: Application by the Agricultural Land Commission to exclude land at  
Ootischenia.**

**Our Ref: 35623**

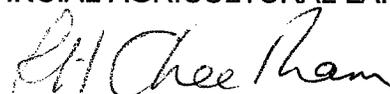
This letter is to advise that the Agricultural Land Commission has concluded its review of the Ootischenia block application and acting under Section 29 (1) of the *Agricultural Land Commission Act*, by Resolution #132/2005, has excluded all of the area that was the subject of the application. A map showing the excluded area is enclosed for your information.

The Commission would like to take this opportunity of thanking the Regional District for its assistance in the processing of this application.

Yours truly,

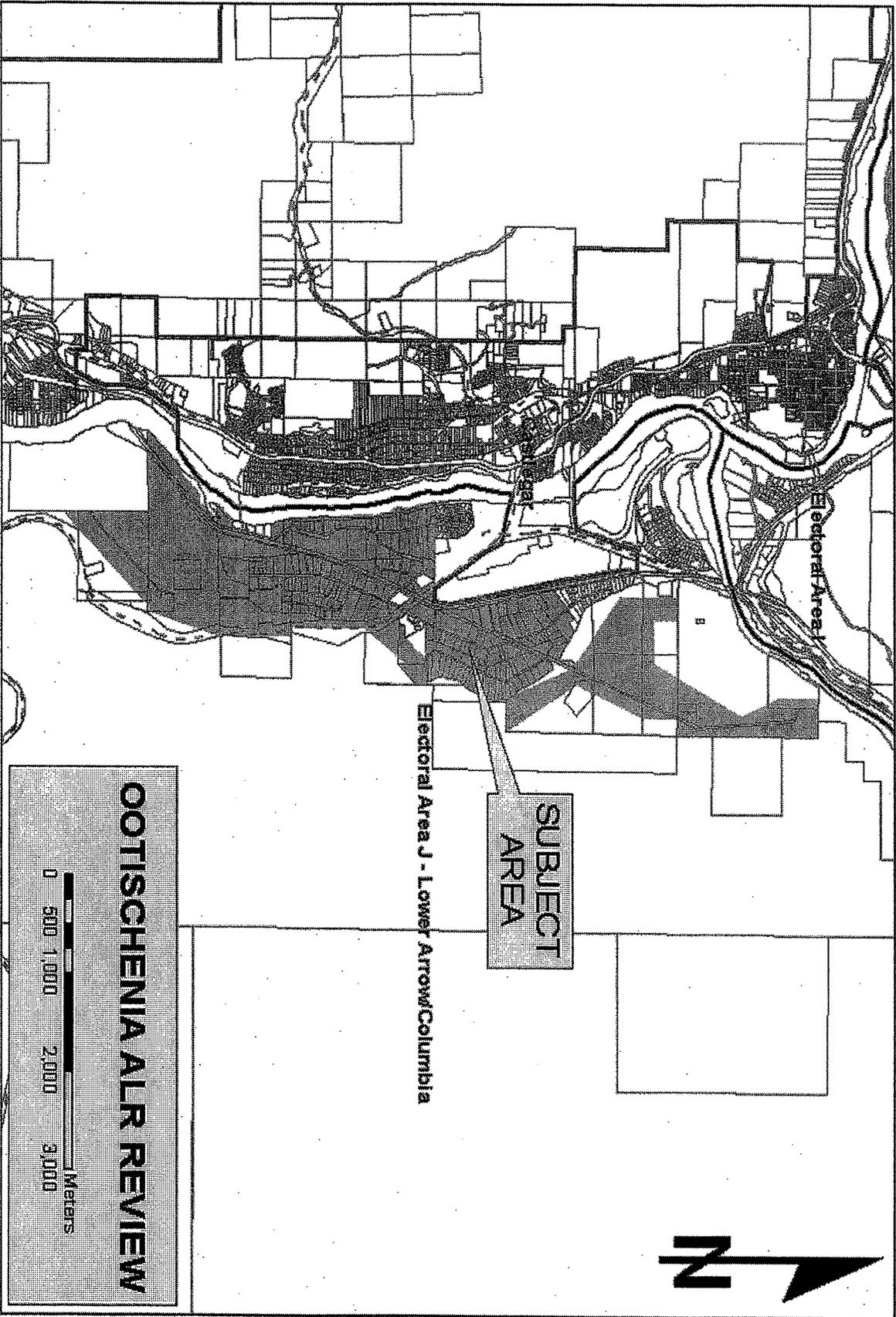
PROVINCIAL AGRICULTURAL LAND COMMISSION

per:

  
K. B. Miller, Chief Executive Officer

Cc: Rieva McCuaig, Regional Resource Agrologist

RC/eg  
I/35623m1



Electoral Area J

SUBJECT AREA

Electoral Area J - Lower Arrow/Columbia



**OOTISCHCHENIA ALR REVIEW**

0 500 1,000 2,000 3,000 Meters

## MINUTES OF THE AGRICULTURAL LAND COMMISSION

Minutes of a meetings held by the Agricultural Land Commission (the "Commission") on 3<sup>rd</sup> March 2005 at the Prestige Inn, Cranbrook, B.C. and 22<sup>nd</sup> March 2005 at the Morris J. Wosk Centre for Dialogue, 580 W. Hastings Street, Vancouver, B.C.

<b>Present:</b>	M. Marshall	Chair
	C. Huscroft	Commissioner
	C. Purdy	Commissioner

Staff Present: Roger Cheetham, Planning Officer

### Consideration of Application # F – 35623

At the meeting on the 3<sup>rd</sup> March 2005 Roger Cheetham presented his report dated 8<sup>th</sup> February 2005.

Discussion The Commission discussed the report and the responses to the proposal received subsequent to the public meeting on the 15<sup>th</sup> December 2004. After reviewing the responses it concluded that no reasons had been provided to cause it to change its mind that the bulk of the proposed area in private ownership should be excluded from the Agricultural Land, principally in view of the proliferation of small parcels, most of which have been developed for residential use, often with building locations not conducive to commercial agriculture. Moreover the Commission noted that there had been no meaningful agriculture undertaken in the area since the 1930's. Additionally the Commission noted the unfeasibility of having irrigation water made available at the present time and in the foreseeable future.

With regard to the predominantly Crown-owned land to the north and south of the privately owned "core" the Commission was less certain about the pros and cons of excluding these areas. It was unable to come to a decision at its 3<sup>rd</sup> March meeting and decided that it should give further consideration to these areas in the light of more detailed information at its next meeting.

Accordingly it gave further consideration to these areas at its meeting on the 22<sup>nd</sup> March, exploring the opportunities to retain some of the larger parcels within the reserve.

In respect of the southern component it noted that a major part of this area (outside the reserve) is used for gravel extraction, that a part is used for solid waste disposal and that other areas are steep. The Commission explored the possibility of drawing the line along Cai Creek but was not satisfied that it formed an appropriate boundary for the reserve. It also considered the merits of retaining the existing farm on District Lot 16174 and adjoining areas within the reserve but concluded that the case for retaining this area as an isolated pocket within the reserve was weak.

In respect of the area to the north of the Castlegar Golf Course it recalled the limited agricultural potential of this area revealed during its site inspection and considered that the areas south of the golf course in themselves did not warrant retention in the reserve.

Page 2

The Commission accordingly concluded that there was no justification for the retention of any part of either area within the ALR.

**IT WAS**

**MOVED BY:** Commissioner Purdy  
**SECONDED BY:** Commissioner Huscroft

THAT the Staff Report be received and the application be approved in the light of the discussion reflected in the minutes.

Carried.



## Staff Summary Report - Planning Issue

**Date of Report:** 8<sup>th</sup> February 2005  
Officer

**Report prepared by:** Roger Cheetham, Planning

**File # F - 35623**

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**ISSUE:** The further consideration of the block exclusion application for Ootischenia in the light of the public meeting on the 15<sup>th</sup> December 2004 and representations received subsequent to the hearing, all of which are attached hereto.

**DECISION REQUIRED:** To approve the exclusion application as proposed.

**BACKGROUND:** A brief record of the public meeting, which was attended by 138 persons, according to the attendance record, is attached as Annex. A. Of those that made presentations there was a fairly even split between those who spoke in support of the proposal and those who were opposed, primarily because of the significant agricultural potential of the area if water could be provided. A number of questions were asked of the Regional District with regard to the land use bylaw situation should the land be excluded.

Subsequent to the hearing a number of representations have been received comprising:

6 that are opposed, mainly on the grounds that the area has good agricultural potential if water could be made available. (Annex. B),

6 that are in support (Annex. C),

One that supports the retention of the Crown Land within the ALR (Annex D),

One, from LWBC, that indicates that they have no concerns with the proposed exclusions (Annex. E), and

One that does not express an opinion about the exclusion but opposes small lot sizes. (Annex. F).

**IMPORTANT CONSIDERATIONS:** No new issues that have not been taken into consideration hitherto have been raised at the public meeting or in the subsequent representations.

It will be recalled that the Regional District originally requested, in a letter dated December 19<sup>th</sup> 2003, that the Commission not amend the boundaries of the ALR or change its subdivision policy before the Regional District has completed a planning review. The staff of the Regional District have recently indicated that in the light of subsequent events it no longer wishes the Commission to defer a decision on the application.

**STAFF COMMENTS / RECOMMENDATION:** That in the light of the representations made at the public hearing and received subsequent thereto the Commission approve the application.

That the Regional District be advised accordingly and be requested to provide updated ownership information to enable the Commission to notify all affected land owners of the decision.