



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

June 20, 2006

Please reply to the attention of Roger Cheetham

Sinclair Lands  
PO Box 279  
Radium Hot Springs, BC V0A 1M0

Dear Sir:

**RE: Application #L-36300**  
PID: 012-506-711  
District Lot 486, Kootenay District, EXCEPT 1) Parcel A (Reference Plan 51161D), 2) Parcel A (Reference Plan 112730I), 3) Plans 2809, 2885, 2986, 3010, 5137, 5393, 14585, NEP20858, R356 and NEP63229

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to exclude the subject property from the Agricultural Land Reserve. The application was submitted pursuant to section 30(1) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank you for taking the time to meet with its representatives on 31<sup>st</sup> May 2006. The Commission found the meeting and site visit informative. In particular the Commission noted that the area proposed for exclusion is generally steep with no significant agricultural potential.

Accordingly the Commission writes to advise that it approved your application. The portion of the above noted property shown on the attached map is excluded from the Agricultural Land Reserve Plan of the East Kootenay Regional District.

The decision noted above is recorded as Resolution # **283/2006**.

It is a condition of this approval that the owner or occupier must 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. The Commission suggests you contact the Village of Radium Hot Springs at your earliest convenience.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

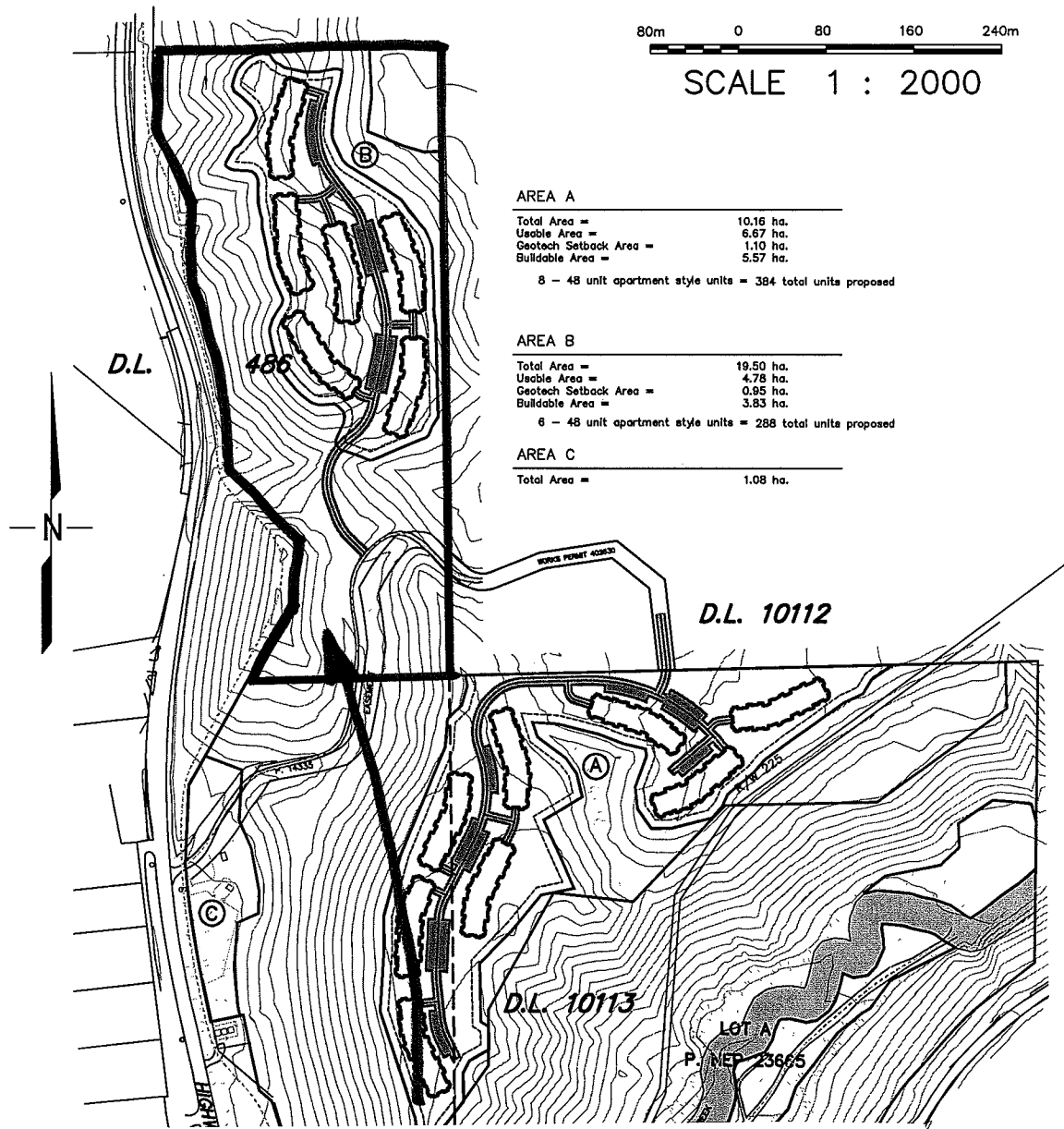
Per:

Erik Karlsen, Chair

pc: Regional District of East Kootenay  
Village of Radium Hot Springs  
Registrar of Land Titles - Kamloops

RC/lv/Encl./3600d1.

CONCEPTUAL PLAN OF PROPOSED DEVELOPMENT  
 OF LOT 1, PLAN NEP \_\_\_\_\_, D.L. 10113  
 AND REMAINDER OF D.L. 486, KOOTENAY DISTRICT.



Application Number L - 36300  
 Area Excluded from Agricultural Land Reserve  
 in terms of Resolution Number 283/2006



APRIL 8, 2005  
 71032-CONCEPT-B

**MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION**

Minutes of a meeting held by the Provincial Agricultural Land Commission (the “Commission”) on 31<sup>st</sup> May 2006 in Cranbrook, B.C.

**PRESENT:** Monika Marshall                                  Chair  
                  Carmen Purdy                                      Commissioner

**STAFF:** Roger Cheetham, Planning Officer

**OBSERVER:** Erik Karlsen, Chair of Commission

**For Consideration**

Roger Cheetham presented the staff report of Ron Wallace dated February 16, 2006 regarding application #L- 36300.

**Site Inspection**

A site inspection was conducted on 31<sup>st</sup> May 2006. Those in attendance were:

- Commissioners Marshall & Purdy
- Agricultural Land Commission Staff: Roger Cheetham, Planning Officer
- Erik Karlsen, Chair of Commission
- Greg Deck, Applicant
- Meaghan Deck, Applicant

The Commission noted that the site proposed for exclusion from the reserve is generally steep and isolated from adjoining areas within the reserve.

The site inspection lasted from approximately 4:30 p.m. to 5:15 p.m.

**Commission Discussion** In the light of the site inspection the Commission was of the view that the area proposed for exclusion had no significant agricultural potential. The Commission also noted that the application was supported by the Village of Radium Hot Springs.

**IT WAS**

**MOVED BY:** Commissioner C. Purdy  
**SECONDED BY:** Commissioner M. Marshall

THAT the staff report be received and the application be approved.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



**Staff Report**  
**Application # L – 36300**  
**Applicant: Sinclair Lands**

**DATE PREPARED:** February 16, 2006

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

**FROM:** Ron Wallace, Regional Research Officer

**PROPOSAL:** To exclude the ALR portion of the subject property in order to develop it for residential use.

The area proposed for exclusion (approximately 22.7 ha) is characterized by steep topography with only a relatively small portion which can be developed. It is proposed that this parcel and the adjoining parcel owned by Canyon Camp Ltd. (same owners) will be sold together so that the joint development can share what will be an expensive access road and utility infrastructure. The accompanying conceptual plan shows the terrain and what is proposed in terms of building units.

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

The property proposed for exclusion lies within the Village of Radium Hot Springs and has never been actively farmed. The application is made in accordance with the Village of Radium Hot Springs' OCP and its Smart Growth philosophy, the intention is to use the available land within the village boundary to its highest and best use in order to avoid encroachment into surrounding rural terrain.

**Local Government:**

Village of Radium Hot Springs

**Legal Description of Property:**

1. PID: 012-506-711  
District Lot 486, Kootenay District, EXCEPT 1) Parcel A (Reference Plan 51161D), 2) Parcel A (Reference Plan 112730I), 3) Plans 2809, 2885, 2986, 3010, 5137, 5393, 14585, NEP20858, R356 and NEP63229;

**Purchase Date:**

November 18, 1998

**Location of Property:**

Radium Hot Springs

**Size of Property:**

22.7ha (The entire property is in the ALR).

**Present use of the Property:**

The only current use is for trail rides across the property. There may have been Christmas trees cut from the parcel in the distant past, but none in the last 25 years. There has been no cultivation as most of the land is very steep and dry without irrigation.

**Surrounding Land Uses:**

**WEST:** Highway 95, beyond which is housing and an RV park  
**SOUTH:** Commercial campground  
**EAST:** Crown land, used as Christmas tree permit  
**NORTH:** Single recreational cabin on land formerly used for 'wild' Christmas trees

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82K/9  
The majority of the property is identified as having secondary ratings.

**Official Community Plan and Designation:**

Village of Radium Hot Springs Official Community Plan. Planned Land Use: Rural.

**Zoning Bylaw and Designation:**

Agricultural & Rural Residential, 8 ha minimum lot size

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**RELEVANT APPLICATIONS:**

**Application #32544-0**

**Applicant:** Desbrisay, Brent  
**Decision Date:** May 27, 1999  
**Proposal:** Propose to exclude the 3.16 ha area located west of Highway 3.  
**Decision:** Allowed exclusion of 3.2 ha as requested.

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**Application #33456-0**

**Applicant:** 546761 BC Ltd  
**Decision Date:** November 23, 2000  
**Proposal:** To exclude 332 ha from the ALR in order for the Village of Radium Hot Springs to create a residential community consisting of multiple family units and recreation commercial development including a golf course. The proposal is to expand the boundary of the village to include this area.  
**Decision:** Refused as proposed.

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**Application #33456-1**

**Applicant:** 546761 BC Ltd  
**Decision Date:** June 29, 2001  
**Proposal:** Reconsideration as requested by the Regional District of East Kootenay in its letter of January 9, 2001  
**Decision:** Reconfirm decision by Resolution #657/2000. Indicate a willingness to entertain a request to reconsider on the basis of a scaled back request to lands within D.L.

7578 with a substantial net benefit to agriculture.

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**Application #33456-2**

**Applicant:** 546761 BC Ltd

**Decision Date:** November 25, 2003

**Proposal:** To exclude 80.9 ha from the ALR for residential and commercial development. A net benefit to agriculture has been proposed in exchange for the exclusion. If exclusion is granted the applicant will consolidate the legal parcels west of the highway comprising the "Home Ranch" into a single 234.7 ha parcel as well as providing irrigation to an additional 28.3 ha (irrigation has already been provided on 14.2 ha).

In order to facilitate the timely development of the proposed exclusion area the applicant has offered to give the Commission a \$50,000 letter of credit to ensure the remaining irrigation work is completed. When the irrigation work is completed the letter of credit would be released.

The applicant was concerned that due to unforeseen circumstances it may not be able to obtain a water license and as such would be unable to fulfill its commitment to irrigate the additional 28.3 ha. Based on this concern the applicant asked that the Commission also confirm that if the application for a water license is rejected that the approval of the exclusion remains valid.

One final aspect of the proposal is to permit construction of one additional residence on the "Home Ranch".

The consolidation of the "Home Ranch" will leave remainders of District Lots 7578, 673, 7579, 7564 and 7383 lying east of Highway 95. The applicant asks that these remainders be left as individual lots.

**Decision:** To exclude 80.9 ha from the ALR for residential and commercial development subject to:

1. Consolidation of the legal parcels west of the highway comprising the "Home Ranch" into a single 234.7 ha parcel. The remainders of District Lots 7578, 673, 7579, 7564 and 7383 lying east of Highway 95 can be left as individual lots.
2. Providing irrigation to an additional 28.3 ha.
3. Posting a \$50,000 letter of credit to ensure the remaining irrigation work is completed.

With regards to the applicant's concern that due to unforeseen circumstances it may not be able to obtain a water license and as such would be unable to fulfill its commitment to irrigate the additional 28.3 ha. The Commission will authorize the exclusion of the 80.9 ha following receipt and approval of the subdivision plan delineating the exclusion and "Home Ranch" areas and on receipt of the letter of credit. The Commission confirms that if the applicant cannot obtain a water license the exclusion approval will remain valid. This being said, if a water license cannot be obtained the Commission reserves the right to approach the applicant to discuss other opportunities for net benefit.

The Commission has no objection to the construction of one additional residence on the "Home Ranch".

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**Application #33456-3**

**Applicant:** 546761 BC Ltd

**Decision Date:** June 10, 2004

**Proposal:**

**Decision:** Allow request to bind the home ranch by restrictive covenant so that no parcels can be sold separately and that no additional dwellings can be built on the same properties.

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**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Local Council**

The Council of the Village of Radium Hot Springs resolved to support the application by Sinclair Lands Ltd to have lands excluded from the ALR.

**Local Government Staff**

The Planning staff have reviewed the application and are inclined to support the proposed exclusion subject to confirmation at the site inspection that the property has no meaningful agricultural potential. Its development for residential purposes is in accordance with the Regional District's growth strategy objectives, endorsed by the Commission, that direct development to recognized centres, the Village of Radium Hot Springs being one, in the Upper Columbia Valley.

**STAFF COMMENTS:**

Staff recommends that the Commission consider the following:

- The agricultural capability of the property proposed for exclusion is rated as Class 4 and Class 5 with topography and stoniness as limiting subclasses.
- The Commission has supported other residential development on land with similar capability for agriculture, north of Radium Hot Springs.
- An on-site inspection would enable the Panel to better assess the merits of the proposal and whether there are any agricultural implications.

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**END OF REPORT**

  
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Signature

  
\_\_\_\_\_  
Date