



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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www.alc.gov.bc.ca

March 16, 2006

Reply to the attention of Ron Wallace

Novalee Reeves  
158 Tuscarora Way  
Calgary, AB T3L 2H1

Dear Sir:

**Re: Application # L-36425  
Lot 2, District Lot 316, Kootenay District, Plan 14685**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide the above noted property into lots as divided by Moran Road into two lots of 8.1 ha and 3 ha. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank you for taking the time to meet with its representatives on 3 March 2006.

The Commission writes to advise that it approved your application subject to:

- the consolidation of the proposed 3 ha lot with the adjacent property to the west as shown on the attached map
- compliance 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 Regional District of East Kootenay at your earliest convenience.

The decision noted above is recorded as Resolution #95/2006.

Please send two (2) paper prints of the final survey plans to this office well in advance of commencing registration at the Land Titles Office. When the Commission confirms that the subdivision plan is acceptable and verifies that all conditions of approval have been met it will authorize the Registrar of Land Titles to accept the application for deposit of the plan. Please quote your application number in any future correspondence.

Yours truly,

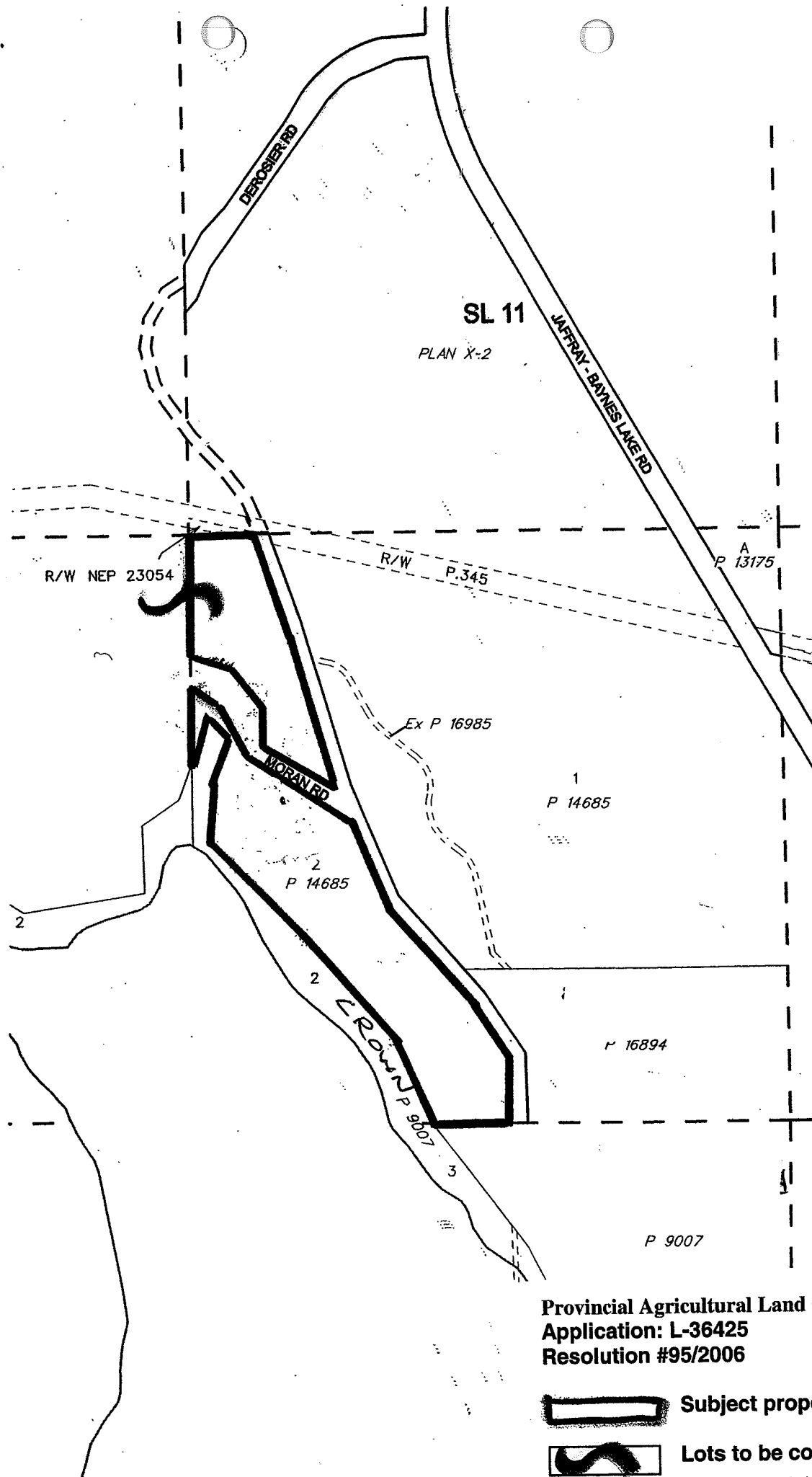
PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of East Kootenay – P-705-211

RW/lv/Encl./36425d1



Provincial Agricultural Land Commission  
 Application: L-36425  
 Resolution #95/2006



Subject property.



Lots to be consolidated

**MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION**

**Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on 3 March 2006 in Cranbrook, B.C.**

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

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

**For Consideration**

Ron Wallace presented the staff report dated 3 March 2006 regarding application #L-36425, Novalee Reeves. The application is to subdivide the subject property as divided by Moran Road into two lots of 8.1 ha and 3 ha. Currently the proposed 3 ha parcel is being used by an adjacent property owner (i.e., Dewey Reay) as horse pasture. If subdivided Mr. Reay has expressed an interest in purchasing the 3 ha parcel. The 8.1 ha parcel would be retained by the applicant.

**Site Inspection**

A site inspection was conducted on 3 March 2006. Those in attendance were:

- Commissioners Marshall, Huscroft & Purdy
- Agricultural Land Commission Staff: Ron Wallace, Regional Research Officer
- Applicant Darren Dilts

The site inspection lasted from 10:00 a.m. to 10:20 a.m.

**Commission Discussion**

The application was approved to subdivide the subject property as divided by Moran Road into two lots of 8.1 ha and 3 ha subject to the consolidation of the 3 ha lot with the adjacent lot to the west. This would result in no additional lots being created and improve the agricultural usefulness of the land.

**IT WAS**

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

THAT the staff report be received and the application to subdivide the property into two lots of 8.1 ha and 3 ha be approved subject to the consolidation of the 3 ha lot with the adjacent lot to the west.

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

CARRIED



**Staff Report**  
**Application # L – 36425**  
**Applicant: Novalee Reeves**

**DATE PREPARED:** February 15, 2006

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

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

**PROPOSAL:** To subdivide the subject property as divided by Moran Road into two lots of 8.1 ha and 3 ha. Currently the proposed 3 ha parcel is being used by an adjacent property owner (i.e., Dewey Reay) as horse pasture. If subdivided Mr. Reay has expressed an interest in purchasing the 3 ha parcel. The 8.1 ha parcel would be retained by the applicant.

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

**BACKGROUND INFORMATION:**

There have been three previous applications involving the subject property as outlined below. The subject property was created in 1981 in application #114-79-09602 with the subdivision of the property along Derosier Road.

**Local Government:**

Regional District of East Kootenay

**Legal Description of Property:**

1. PID: 010-405-607  
Lot 2, District Lot 316, Kootenay District, Plan 14685;

**Purchase Date (m/d/y):**

08/31/2005

**Location of Property:**

Derosier Road, east of Kookanusca Lake

**Size of Property:**

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

**Present use of the Property:**

The portion of the property north of Moran Road is horse pasture and is being used by Dewey Reay. There are no buildings on the property. The portion of the property south of Moran Road is not being used. The property is treed with no buildings.

**Surrounding Land Uses:**

**WEST:** Kookanusca Lake  
**SOUTH:** Campground  
**EAST:** Road, ranch land  
**NORTH:** Hay fields, pasture land

**Agricultural Capability:**

Data Source: Agricultural Capability Map #82G/6  
The majority of the property is identified as having Mixed Prime and Secondary ratings.

**Official Community Plan and Designation:**

None

**Zoning Bylaw and Designation:**

None

**PREVIOUS APPLICATIONS:****Application #04679-0**

**Applicant:** Reay, Dale  
**Decision Date:** November 01, 1978  
**Proposal:** To subdivide a parcel of approximately 3 ha from the subject property according to the property's division by the highway.  
**Decision:** Allowed.

**Application #07551-0**

**Applicant:** Morn / Reay, M / D  
**Decision Date:** April 20, 1979  
**Proposal:** To subdivide the subject property into the following parcels: 36 ha, 40 ha, 16 ha, 13 ha and 17 ha. It was noted that the subject properties were part of a ranching unit.  
**Decision:** Refused on the grounds that the land has the capability for agricultural use and its options for this use at some future date should be preserved.

**Application #09602-0**

**Applicant:** Reay, Dale  
**Decision Date:** February 24, 1981  
**Proposal:** To subdivide the 53 ha property into one lot of 13 ha and one lot 40 ha as separated by Desrosier Road. The application was considered and refused in April 1980, citing the need for maintaining a large parcel size in an area where ranching is the predominant agricultural activity. The application was reconsidered in 1981.  
**Decision:** Allowed on the grounds that flooding caused by the Libby Dam had eliminated the applicant's grazing leases and forced closure of the operation. The proposed purchaser of the 40 ha parcel was a local guide and farmer who proposed a small livestock operation.

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**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:****Regional Board**

The Regional Board adopted a Resolution in support of the application subject to consolidation of the 3 ha parcel with an adjacent ranch.

**Advisory Planning Commission**

The APC for Area B support the application subject to agricultural values being protected by consolidation with an adjacent parcel of agricultural land.

**Agricultural Advisory Committee**

The negative impacts of small holdings on existing agricultural operations were discussed. The subject property is a relatively large parcel of agricultural land and is located within other large agricultural holdings. The AAC cannot support a subdivision unless the smaller lot (3 ha) is consolidated with another adjoining agricultural holding.

**STAFF COMMENTS:**

Staff recommends that the Commission consider the following:

- In reviewing the previous applications, it is noted that the subject property was part of a larger farm unit that has been subsequently subdivided down to its present size. This has resulted in the limitation of its usefulness for agriculture.
- Staff supports the recommendation from the Regional Board, APC and AAC to allow the proposed subdivision subject to the smaller 3 ha lot being consolidated with the adjoining agricultural holding.

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**END OF REPORT**

Signature



Date

