



Agricultural Land Commission
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July 17, 2006

Reply to the attention of Ron Wallace

Randy & Charles Reay
PO Box 160
Jaffray, BC V0B 1T0

Dear Sirs:

**Re: Application # L-36542
Parcel A (See 21862I), District Lot 4833, Kootenay District, Except 1) Parcel 1
(Reference Plan 108588I) and 2) Part included in SRW Plan 12655**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide the portion of the above noted property lying north of Highway 3 into two lots. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act* (the "ALCA").

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

- the subdivision being in substantial compliance with the attached plan.
- 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 #360/2006.

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,

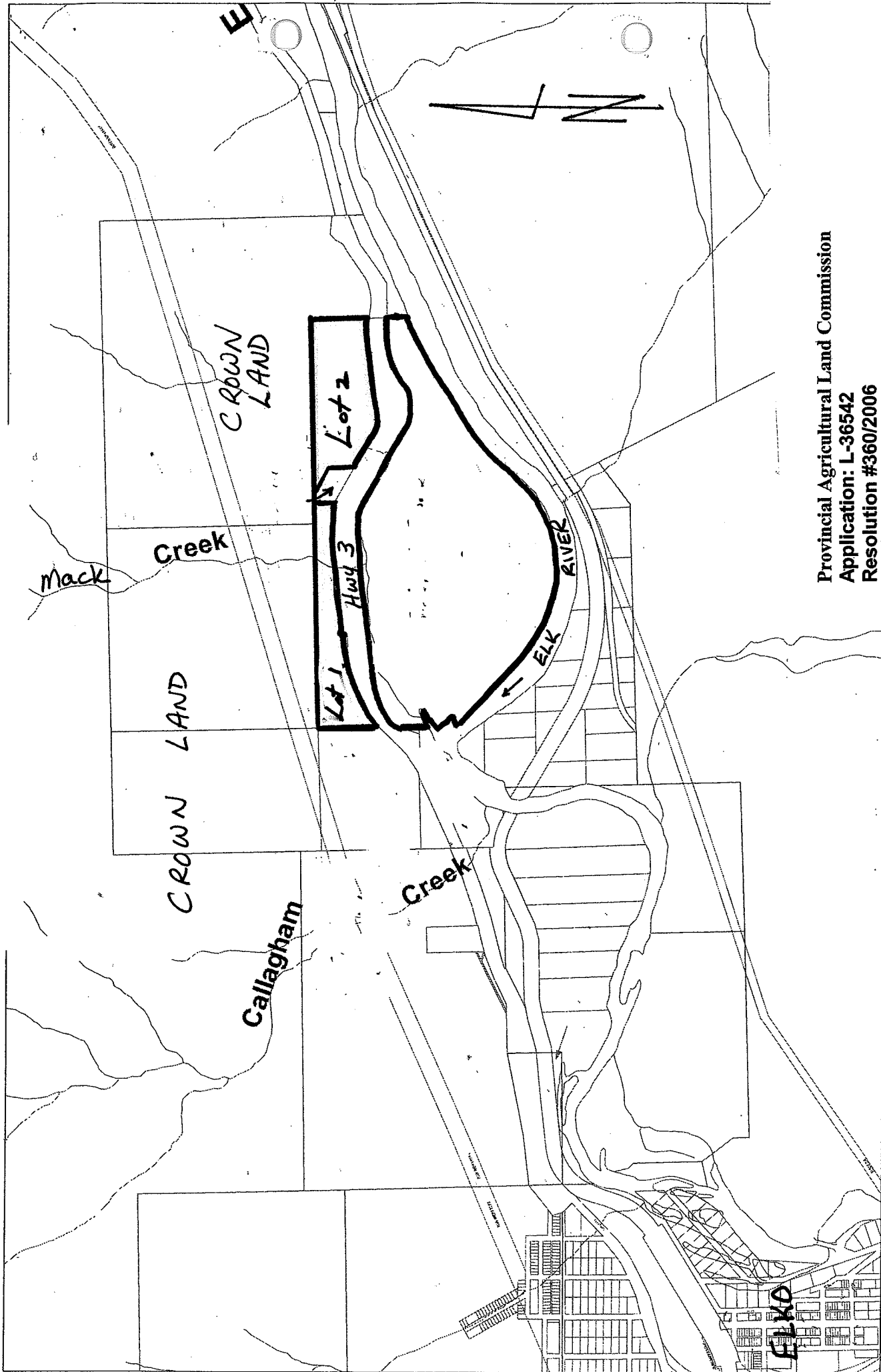
PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of East Kootenay – P-706-201

RW/lv/Encl.
36542d1



Provincial Agricultural Land Commission
Application: L-36542
Resolution #360/2006

Approved subdivision of subject property.



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on June 28, 2006 in Cranbrook, B.C.

PRESENT: Monika Marshall Chair
 Carmen Purdy Commissioner

STAFF: Ron Wallace, Land Use Planner

For Consideration

Ron Wallace presented the staff report dated March 10, 2006 regarding application #L-36542. The application is to subdivide the portion of the subject property lying north of Highway 3 into two lots. The area of the property to the north of Highway 3 is a narrow strip of land that is quite steep and has a rock quarry on the east side of the site. The applicants propose to subdivide this narrow strip into 2 lots of 7.3 ha (containing the rock quarry) and 8.9 ha.

Site Inspection

A site inspection was conducted on June 28, 2006. Those in attendance were:

- Commissioners Marshall & Purdy
- Agricultural Land Commission Staff: Ron Wallace, Land Use Planner

The site inspection lasted from 8:45 a.m. to 9:15 a.m.

Commission Discussion

The Commission allowed the proposed subdivision as the land lying north of Highway 3 had poor agricultural capability due to steep terrain and stony soil conditions.

IT WAS

MOVED BY: Commissioner C. Purdy

SECONDED BY: Commissioner M. Marshall

THAT the staff report be received and the application to subdivide the portion of the subject property lying north of Highway 3 into two lots be approved as proposed.

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

CARRIED



Staff Report
Application # L – 36542
Applicant: Randy & Charles Reay

DATE RECEIVED: March 13, 2006

DATE PREPARED: May 10, 2006

TO: Chair and Commissioners – Kootenay Panel

FROM: Ron Wallace, Regional Research Officer

PROPOSAL: To subdivide the portion of the subject property lying north of Highway 3 into two lots. The area of the property to the north of Highway 3 is a narrow strip of land that is quite steep and has a rock quarry on the east side of the site. The applicants propose to subdivide this narrow strip into 2 lots of 7.3 ha (containing the rock quarry) and 8.9 ha. The property containing the rock quarry would be sold to Morrissey Aggregates Ltd who developed and operate it.

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

BACKGROUND INFORMATION:

There has been one previous application on the subject property for the existing rock quarry on the northeast corner of the property as outlined in the subdivision proposal.

Local Government:

Regional District of East Kootenay

Legal Description of Property:

PID: 016-394-399

Parcel A (See 218621), District Lot 4833, Kootenay District, Except 1) Parcel 1 (Reference Plan 1085881) and 2) Part included in SRW Plan 12655

Purchase Date (m/d/y):

February 11, 1983

Location of Property:

Jaffray, BC

Size of Property:

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

Present use of the Property:

There is an operating rock quarry on the northeast end of the property and the balance of the proposed subdivision is vacant pasture. The remainder of the parcel south of Highway 3 is pasture land.

Surrounding Land Uses:

WEST: Vacant Crown land
SOUTH: Elk River
EAST: Elk River
NORTH: Mountain side, Crown 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 #31307-0

Applicant: Reay, Randy & Charles
Decision Date: April 23, 1997
Proposal: To develop a limestone quarry occupying 1800 square meters on a rocky hillside.
Decision: Allow with standard conditions for extraction and reclamation.

Application #31307-1

Applicant: Reay, Randy & Charles
Decision Date: April 24, 1998
Proposal: To amend the area proposed for extraction from 0.18 hectares to 1.8 hectares.
Decision: The Commission approved the request to amend condition #1.0 of Resolution #234/97 from a specific area of 0.18 hectares to 1.8 hectares. However, given the larger area of extraction the Commission required the submission of an irrevocable letter of credit in the order of \$10,000 prior to the issuance of the permit.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional Board

The RDEK Board reviewed this application on March 3, 2006. The Board adopted a resolution in support of the application for subdivision within the ALR.

Advisory Planning Commission

The APC for Area B supports the application.

Agricultural Advisory Committee

The Agricultural Advisory Commission for Areas A, B and C has no objection to the proposed subdivision, as the land is not agricultural and there will be no impact on any agricultural activities.

Local Government Staff

Reported on the agricultural capability of the property.

STAFF COMMENTS:

Staff has the following comments:

- The agricultural capability north of highway 3 is Class 6 and 5 with limiting subclasses of topography and stoniness. The agricultural capability of the land south of Highway 3 is Class 4 and 3 with limiting subclasses of moisture deficiency and low fertility, which could be improved to Class 3 and 2 with limiting subclasses of moisture deficiency and combination of soil factors.
- There are a number of small lots in the ALR south of Elk River.
- Recommend on-site meeting

END OF REPORT



Signature



Date