



Agricultural Land Commission
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June 4, 2007

Reply to the attention of Terra Kaethler
ALC File: #L - 37007

Cal McDougall
PO Box 1810
Sparwood, BC V0B 2G0

Dear Mr. McDougall:

Re: Application to subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 226/2007 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

cc: Regional District of East Kootenay (#P706-116)

Enclosure: Minutes

TK/lv
37007d1.



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 16, 2007 in Cranbrook, BC.

PRESENT: Monika Marshall Chair, Kootenay Panel
 Carmen Purdy Commissioner
 D. Grant Griffin Commissioner
 Brandy Ridout Staff

For Consideration

Application: # L - 37007
Applicant: 1255033 Alberta ULC
Agent: Cal McDougall
Proposal: To subdivide the subject property into two parcels. West side of property is approximately 16 ha and the east side of the property is approximately 172 ha. Applicant wishes to subdivide the west portion of the property into 8 lots of 2 ha lots each.
Legal: PID: 009-366-091
 Lot 1, District Lot 3049, Kootenay District, Plan 16031
Location: Lower Elk Valley Road, Sparwood area

Site Inspection

A site inspection was conducted on May 14, 2007. Those in attendance were:

- Monika Marshall Chair, Kootenay Panel
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Brandy Ridout Staff
- Joe Valentine Applicant
- Cal McDougall Agent

Mr. McDougall confirmed that the staff report dated December 12, 2006 was received and no errors were identified.

The Commission viewed the subject property from the top of the western portion of the parcel. It noted that the portion of the property to the west of the road was on a bench above the rest of the property and backed onto two other properties on the same bench.

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 agricultural capability of the soil of the portion of the subject property under application for subdivision into 2 ha lots is Class 6 with a limitation of topography. Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

Assessment of Agricultural Suitability

The Commission considered whether the portion of the property under application for subdivision into 2 ha lots was suitable for agriculture. This consideration included details such as property size, surrounding land use and limitations to agriculture. Despite the topographical limitations of the portion of the property to the west of the road, the Commission believed that the land was suitable for agricultural use.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land.

Although the Commission recognized that the portion of the property proposed for subdivision had fairly limited agricultural capability, it believed the area had value as part of the larger agricultural unit which would be lost if it was subdivided off and further subdivided into small lots.

The Commission also considered the impact of the introduction of eight new small lots and believed that it would be detrimental to the agricultural use of the area.

As such, the Commission believed the proposal would negatively impact existing or potential agricultural use of both the subject property and surrounding lands.

Conclusions

1. That the land under application has limited agricultural capability but has value as part of the larger agricultural unit.
2. That the land under application is suitable for agricultural use when considered in connection to the larger agricultural unit.
3. That the proposal will negatively impact agriculture both on the subject property and the surrounding agricultural operations.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Marshall

SECONDED BY: Commissioner Griffin

THAT the application be refused.

CARRIED

Resolution # 226/2007



Staff Report
Application # L – 37007
Applicant: 1255033 Alberta ULC
Agent: Cal McDougall

DATE RECEIVED: October 13, 2006

DATE PREPARED: December 12, 2006

TO: Chair and Commissioners – Kootenay Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: To subdivide the subject property into two parcels. West side of property is approximately 16 ha and the east side of the property is approximately 172 ha. Applicant wishes to subdivide the west portion of the property into 8 lots of 2 ha lots each.

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

BACKGROUND INFORMATION:

An "Agricultural Assessment of the Elk River LLC Property" Prepared on behalf of Elk River LLC for submission to the Land Reserve Commission - Prepared by Mike Doggart, P.Ag. Interior Reforestation Co. Ltd. and Dated July 31, 2006 was submitted with the application.

Local Government:

Regional District of East Kootenay

Legal Description of Property:

PID: 009-366-091
Lot 1, District Lot 3049, Kootenay District, Plan 16031

Purchase Date:

July 18, 2006

Location of Property:

Lower Elk Valley Road, Sparwood area

Size of Property:

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

Present use of the Property:

Old residence, outbuildings, barn/shed

Surrounding Land Uses:

WEST: Grazing
SOUTH: Grazing and residential
EAST: Elk River
NORTH: Residential, grazing, airport

Agricultural Capability:

Data Source: Agricultural Capability Map # 82G/15
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

OCP: Elk Valley Land Use Strategy 1986
Designation: Agriculture

Zoning Bylaw and Designation:

Zoning: Bylaw No. 829 (1990)
Designation: RR-60 - Rural Resource Zone In Elk Valley Zoning
Minimum Lot Size: 60 ha

PREVIOUS APPLICATIONS:

Application #05547-0

Applicant: Ewert, E & A
Proposal: To subdivide the property along Elk Valley Road
Decision: Allowed but never completed.

Application #15746-0

Applicant: Livingstone, Gary K
Decision Date: December 14, 1982
Proposal: To consolidate two parcels (67 ha and 137 ha) into one lot and subdivide one 8 ha parcel from the consolidated parcel.
Decision: Allowed subject to the rescission of Resolution # 77-5547 (which allowed subdivision along the road as noted above)

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District of East Kootenay Board: The Regional Board forwarded the application with a recommendation of support.

Advisory Planning Commission Area A: The APC for Area A did not support the application. Land proposed for subdivision is good agricultural land and should be protected.

Agricultural Advisory Committee: the AAC accepted the application as presented.

ATTACHMENTS:

- Sketch showing proposed subdivision (submitted by the applicants)
- Air Photo - (submitted by RDEK)
- ALC Context Map - 82G/15 - 1:30,000 (created by ALC Staff)

END OF REPORT

Simone Rivere
Signature

Dec 18, 2006
Date