



**Agricultural Land Commission**  
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June 4, 2007

Reply to the attention of Terra Kaethler  
ALC File: # L - 37282

Colin and Betty Sinclair  
PO Box 36 - 3100 Highway 93  
Grasmere, BC V0B 1R0

Dear Mr. and Mrs. Sinclair:

**Re: Application to subdivide in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 228/2007 outlining the Commission's decision as it relates to the above noted application.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the 'Per:' label.

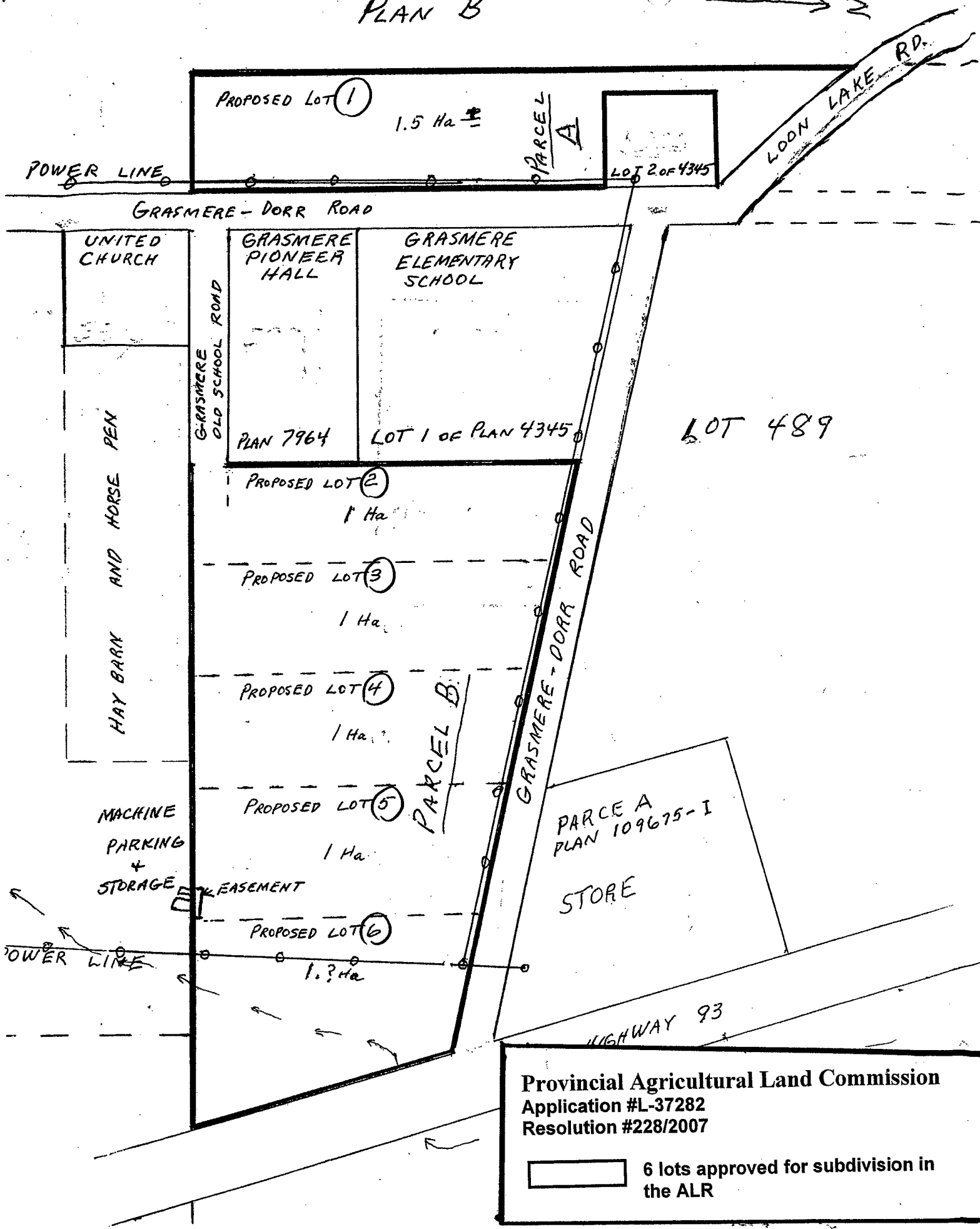
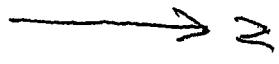
Erik Karlsen, Chair

cc: Regional District of East Kootenay (#P-707-203)

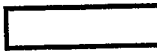
Enclosure: Minutes/Sketch Plan

TK/lv  
37282d1

# PLAN B



Provincial Agricultural Land Commission  
Application #L-37282  
Resolution #228/2007

 6 lots approved for subdivision in the ALR



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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

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

### For Consideration

Application: # L- 37282  
Applicant: Colin and Betty Sinclair  
Proposal: To subdivide the 85 ha subject property to create six (6) lots ranging from 1 ha to 1.5 ha in size, on the south side of Grasmere Dorr Road leaving a 78.5 ha farm remainder.  
Legal: District Lot 489, Kootenay District, EXCEPT 1) Parcel 1 (Explanatory Plan 19291-I, 2) Parcel B (See 57688-I), 3) Parcel A (Reference Plan 109675-I), 4) Plans 4345, 4654, 5469, and 7964  
Location: 3164 - Elko-Rooseville, Highway No. 93, Grasmere

### 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
- Colin (Roy) and Betty Sinclair Applicants
- Fraser Sinclair Applicants' son
- Heath Slee Electoral Area 'B' Director, RDEK

Mr. Sinclair confirmed that the staff report dated May 2, 2007 was received and no errors were identified.

During the site visit the Commission noted the existence of several community buildings in the area including a school, community hall, and store. As each of the buildings is on its own lot, the matter of subdivisions for these buildings was discussed with the applicants.

The applicants noted that the portions of the property under application for subdivision had never been used as part of the main agricultural operation because they are separated from the majority of the property and were not practical to irrigate because of their small size and location. It was also noted that the areas are challenged by topography (proposed lot 1) and poor soil conditions (proposed lot 2-6).

Heath Slee, Electoral Area 'B' Director, stated that this type of settlement is endorsed by the regional growth strategy.

## **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 is a mix of Class 3, 4, and 5 with limitations of moisture deficiency and stoniness.

- Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.
- Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.
- Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

### **Assessment of Agricultural Suitability**

The Commission considered whether the property was suitable for agriculture. This consideration included details such as property size, surrounding land use and limitations to agriculture. The Commission noted that the proposed lots were separated from the remainder of the property by Grasmere-Doer Road and adjacent to a school, community hall and store.

### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. As the portions of the property proposed to be subdivided had not been used as part of the larger farm unit for a variety of reasons, the Commission did not believe that their subdivision would negatively affect the proposed agricultural remainder.

In addition, the Commission did not believe that the proposal would impact existing or potential agricultural use of surrounding lands as the proposed lots were adjacent to existing community uses, border by existing roads, and separated from agricultural use of the property to the south by adequate fencing.

### **Conclusions**

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is limited in its suitability for agricultural use.
3. That the proposal will not impact agriculture.

### **IT WAS**

**MOVED BY:** Commissioner Griffin  
**SECONDED BY:** Commissioner Purdy

THAT the application be approved.

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- the subdivision must be completed within three (3) years from the date of this decision.

This decision does not relieve the owner or occupier of the responsibility to 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.

### **CARRIED**

**Resolution # 228/2007**



**Staff Report**  
**Application # L – 37282**  
**Applicant: Colin and Betty Sinclair**

**DATE RECEIVED:** March 9, 2007

**DATE PREPARED:** May 2, 2007

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

**FROM:** Jennifer Carson, Land Use Planner

**PROPOSAL:** To subdivide the 85 ha subject property to create six (6) lots ranging from 1.0 ha - 1.5 ha on the south side of Grasmere Dorr Road leaving a 78.5 ha remainder. This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

**Local Government:**

Regional District of East Kootenay

**Legal Description of Property:**

District Lot 489, Kootenay District, Except 1) Parcel 1 (Explanatory Plan 19291-I; 2) Parcel B (See 57688-I); 3) Parcel A (Reference Plan 109675-I), and; 4) Plans 4345, 4654, 5469, and 7964

**Purchase Date:**

March 1979

**Location of Property:**

3164 Elko-Roosville Highway No. 93, Grasmere

**Size of Property:**

85.0 ha (The majority of the property is in the ALR)

**Present use of the Property:**

Residence, grain and forage farm

**Surrounding Land Uses:**

**WEST:** Crown land  
**SOUTH:** Agriculture  
**EAST:** Crown land  
**NORTH:** Agriculture

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82G/3  
The majority of the property is identified as having Mixed Prime and Secondary ratings.

**Official Community Plan and Designation:**

OCP: None

**Zoning Bylaw and Designation:**

Zoning: None

**RELEVANT APPLICATIONS:**

**Application #20564-0**

**Applicant:** School District #1  
**Decision Date:** October 20, 1986  
**Proposal:** Exclusion  
**Decision:** Refused exclusion but allowed unfettered expansion of the school and facilities for educational purposes.

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**Application #30977-0**

**Applicant:** Ministry of Environment Lands & Parks  
**Decision Date:** June 3, 1997  
**Proposal:** To subdivide 35 recreational lots totaling approximately 22 ha (averaging about 0.6 ha) adjacent to three lakes that are currently leased out by the Ministry.  
**Decision:** Refused on the grounds that the private sales of these lots would have a substantial impact on area ranchers.

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**Application #32719-0**

**Applicant:** Daryl & Lita Salanski  
**Decision Date:** July 21, 1999  
**Proposal:** Agri-tourism development to augment farm operation. Proposal includes several phases; a general store & coffee shop (55' x 36'); agri-supply outlet; a B&B associated with a new dwelling; a golf course; hiking and cross country skiing.  
**Decision:** Refused the golf course portion of the proposal and allowed the general store and agri-supply outlet. The Commission's B & B guidelines were provided.

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**Application #32719-1**

**Applicant:** Daryl & Lita Salanski  
**Decision Date:** September 27, 1999  
**Proposal:** To relocate the proposed agri-tourist development (which includes the general store/coffee shop, B & B, agri-supply outlet) some 600 meters to the north of the area previous approved by the Commission.  
**Decision:** Allowed.

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**Application #30977-1**

**Applicant:** Ministry of Environment Lands & Parks

**Decision Date:** April 12, 2002

**Proposal:** To raise title to 35 leased recreational lots totaling approximately 22 ha (each lot averaging about 0.6 ha) at Edwards Lake, Northstar Lake and Suzanne Lake. The lots are leased out by BC Assets and Land Corporation.

**Decision:** Allowed request to provide a sale opportunity to 35 existing leaseholders at Edwards, Northstar and Suzanna Lakes subject to placing a covenant on any lands sold.

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**Application #35132-0**

**Applicant:** Evelyn McIntyre

**Decision Date:** March 19, 2004

**Proposal:** To subdivide the 64.8 ha property into four (4) lots of approximately 8 ha and one (1) lot of approximately 32 ha.

**Decision:** Refused.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**East Kootenay Regional District Board:**

The Regional Board forwarded the application with a recommendation of support.

**Advisory Planning Commission:**

The APC for Area B supported the application as presented.

**Agricultural Advisory Commission:**

Supported the application as presented.

**Local Government Staff:**

The application be supported. The proposed subdivision is separated from the farm by existing public roads, a store, a school and a community hall. Part of the proposed subdivision is outside the ALR.

**STAFF COMMENTS:**

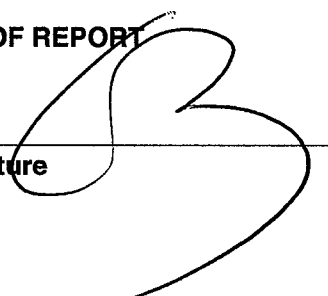
A portion of the southern part of the subject property is not within the ALR.

**ATTACHMENTS:**

1. ALR Base Map
2. Agricultural Capability Map
3. Local Government Staff Report
4. Letter from applicant discussing proposal (3 pages)
5. Map entitled "Plan A" depicting current land use
6. Map entitled "Plan B" depicting proposed subdivision

**END OF REPORT**

Signature



Date

May 7/07