



Agricultural Land Commission
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June 24th, 2010

Reply to the attention of Jennifer Carson
ALC File: 51742

Hugh MacKenzie
c/o AECOM
2540 Kensington Road NW
Calgary, AB
T2N 3S3

Dear Sir:

Re: Application for Exclusion of land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 2534/2010 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

The Commission will confirm that the property has been excluded when it is satisfied with the arrangements that have been made for the provision of spray irrigation to the Crown Land to the west. The Commission will notify the Registrar of Land Titles accordingly at that time.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:


Richard Bullock, Chair

Enclosure: Minutes

cc: Regional District of East Kootenay, 19 -24th Avenue South, Cranbrook, BC V1C 3H8 (Project # 60115862-0400D)
Craig McMorrان, Marcer Ranching Ltd., 9790 Marcer Road, Elko, BC, V0B 1J0
Ministry of Forests and Range, 1902 Theatre Road, Cranbrook, BC V1C 7G1
Darrell Smith, Ministry of Agriculture and Lands, Cranbrook

JC/
/51742d1



A meeting was held by the Provincial Agricultural Land Commission on June 14, 2010 at the offices of the Ministry of Environment located at 205 Industrial Road G., Cranbrook, B.C.

PRESENT:	Barry Minor	Chair, Kootenay Panel
	Jerry Thibeault	Commissioner
	Roger Mayer	Commissioner
	Roger Cheetham	Staff

For Consideration

Application: 51742
 Applicant: Craig McMorran
 Agent: Hugh McKenzie
 Proposal: The exclusion of a marina
 Legal: PID 024-656-976; Lot 1, DL 10348, Kootenay District Plan NEP
 Descriptions: 65910
 PID 011-799-277; Lot 3, DL 10348 Kootenay District Plan 8226

Location: SweetWater at Lake Koocanusa

Meeting with Applicant The Commission met with the applicants prior to the meeting.

Those in attendance were:

- | | | |
|---|-----------------|-----------------------------------|
| • | Barry Minor | Chair |
| • | Jerry Thibeault | Commissioner |
| • | Roger Mayer | Commissioner |
| • | Roger Cheetham | Staff |
| • | Darrell Smith | Ministry of Agriculture and Lands |
| • | Craig McMorran | Applicant |
| • | Peter Mulynk | Agent |

The Applicants explained that the application only relates to the marina area and does not include the areas within DL 10348, inadvertently included in the application, that have already been excluded in terms of Resolution Number 366/2007. There was some discussion relating to the proposed method of effluent disposal it being indicated that the applicants were willing to pipe the effluent up to a reservoir that could be sited on the adjacent Crown land to the west. The water, the quality of which is acceptable for irrigation, could then be used to irrigate the surrounding area.

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

The Commission noted that the marina is integral to the SweetWaters development and has no agricultural potential. It noted the willingness of the applicants to provide irrigation water to DL 3704 and considered that this would be of benefit for agriculture. It also noted in this connection that the Regional District was in support of the treated effluent being used to enhance local grazing opportunities.

Conclusions

1. That the land under application has no agricultural capability and is not appropriately designated as ALR.
2. That the land under application is not suitable for agricultural use.
3. That the proposal will not impact agriculture.
4. That the proposal is consistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner R. Mayer

SECONDED BY: Commissioner B. Minor

THAT the application be approved subject to the provision of a spray irrigation facility in consultation with the holders of grazing leases, the Ministry of Forests and Range and the Ministry of Agriculture and Lands on adjacent Crown land to the west.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED

Resolution # 2534/2010