



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

November 19, 2013

ALC File: #52747

Glen McDonald  
McDonald Ranch & Lumber Ltd.  
P.O Box 56  
Grasmere, BC  
V0B 1N0

Dear Mr. McDonald:

**Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)**

Please find attached the Minutes of Resolution #322/2013 as it relates to the above noted application. The Commission has also attached a sketch plan depicting the decision.

Further correspondence with respect to this application should be directed to Lindsay McCoubrey.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in dark ink, appearing to read 'L. Underhill', is written over a horizontal line. The signature is fluid and cursive.

Brian Underhill, Executive Director

Enclosures: Minutes of Resolution #322/2013  
Sketch Plan

cc: Regional District of East Kootenay (File P 712 205)

52747d2



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 2, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to the Request for Reconsideration of Application #52747.

### COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

### COMMISSION STAFF PRESENT:

Lindsay McCoubrey	Land Use Planner
Colin Fry	Executive Director

---

### REQUEST FOR RECONSIDERATION

The Commission received a letter dated March 12, 2013 requesting reconsideration of its decision recorded as Resolution #296/2012. The proposal to subdivide the property into five (5) lots was allowed subject to the consolidation of the large remainder east of Highway 93 with that portion of PID: 017-914-981 lying east of the highway, thus creating a sixth lot out of the portion of PID: 017-914-981 lying west of the highway.

<b>Owner:</b>	McDonald Ranch & Lumber Ltd
<b>Original Proposal:</b>	Subdivide the 117.4 ha property into two approximately 1 ha parcels, one 1.7 ha parcel, one 18 ha parcel and a 95.7 ha remainder. (Submitted pursuant to section 21(2) of the <i>Agricultural Land Commission Act</i> )
<b>Original Decision:</b>	Allowed subject to the consolidation of that portion of PID: 017-914-981 located east of Highway 93 with the proposed remainder lot.
<b>Current Request:</b>	Subdivide the 117.4 ha property into three (3) one ha lots with a 114.4 ha remainder.
<b>Legal:</b>	PID: 016-227-280 District Lot 9494, Kootenay District, Except (1) Part included in Plans 8045, NEP19306 and NEP19604; and (2) Part included in Plan R232
<b>Location:</b>	Grasmere, BC

---

## LEGISLATIVE CONTEXT FOR COMMISSION RECONSIDERATION

Section 33 (Reconsideration of decisions) of the *Agricultural Land Commission Act* states:

- 33(1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that:
- (a) evidence not available at the time of the original decision has become available,
  - (b) all or part of the original decision was based on evidence that was in error or was false.

---

## DECISION REGARDING THE REQUEST FOR RECONSIDERATION

The Commission believes that the applicant has demonstrated that all or part of the original decision was based on evidence that was in error or was false. The applicant indicated that the proposal was in fact to subdivide three lots, approximately one ha in size from the top of the triangle portion of the subject property, west of Highway 93 with one large remainder, for a total of four lots. Resolution #296/2012 was incorrectly based on the proposal to subdivide two approximately 1 ha parcels, one 1.7 ha parcel, one 18 ha parcel and a 95.7 ha remainder.

As a result, it was moved by Commissioner Dowswell and seconded by Commissioner Thibeault that there were no persons affected by the reconsideration and that the Commission reconsider Resolution #296/2012. The motion was carried unanimously.

---

## COMMISSION CONSIDERATION

After considering the new information the Commission concluded as follows:

1. The proposed three lots are placed in the top of the triangular portion of the subject property, west of Highway 93.

**Conclusion:** The northern portion of the subject property west of Highway 93 is poorly configured for agricultural use.

2. The Human Settlement section of the current Regional District of East Kootenay *Regional Growth Strategy*, adopted January 9, 2004 writes that a principle for rural land is to support limited subdivision in rural areas where land utilization is improved.

**Conclusion:** The land is currently vacant and is effectively severed from the main agricultural operation by Highway 93 and the existing sawmill on the remainder of the area west of Highway 93.

## IT WAS

**MOVED BY:** Commissioner Dowswell

**SECONDED BY:** Commissioner Thibeault



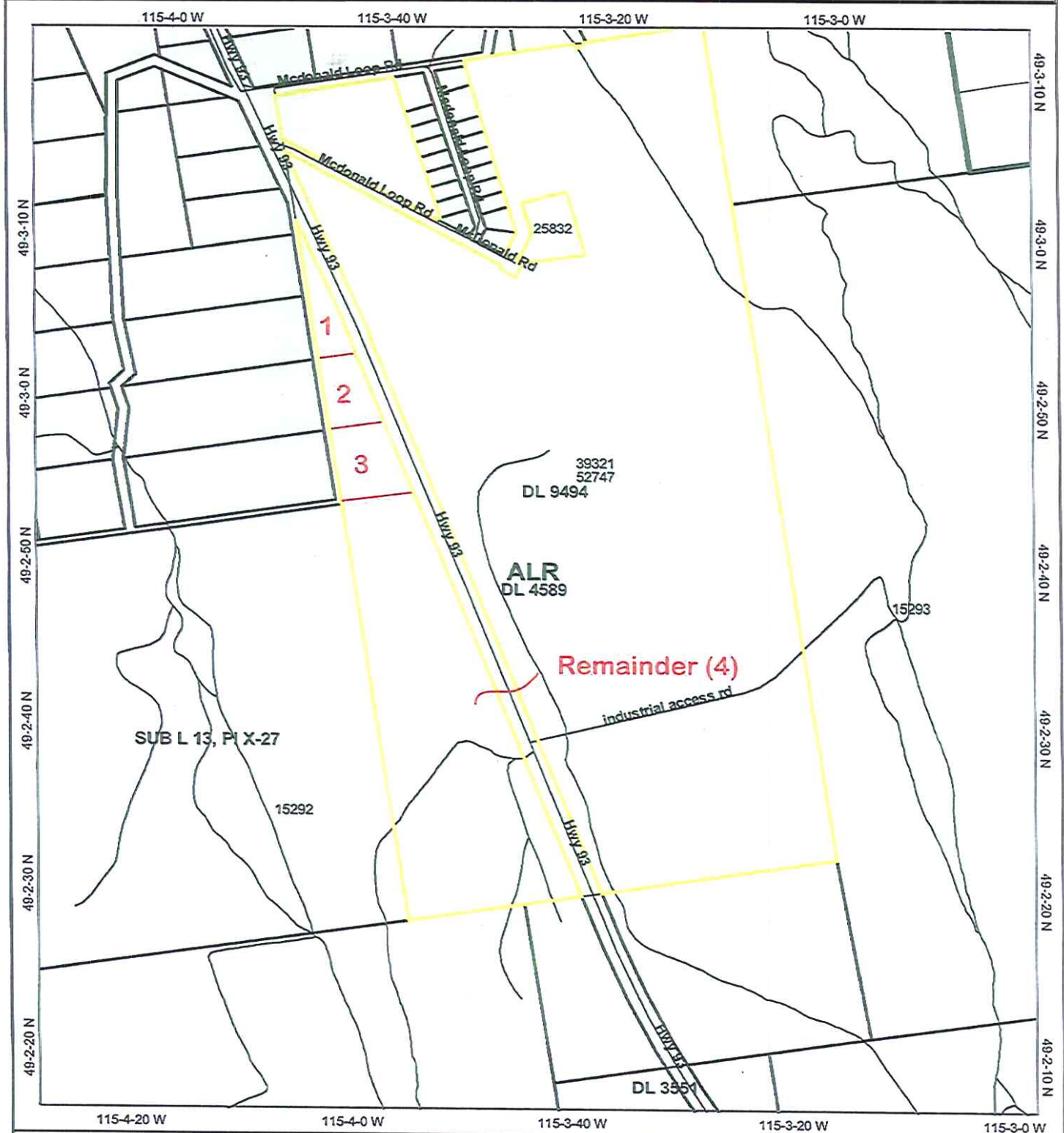
THAT the request to subdivide three (3) approximately one ha lots from the 117.4 ha subject property be approved.

AND THAT the approval is subject to the following conditions:

1. the subdivision be in substantial compliance with the plan submitted with the application;  
and
2. the subdivision plan must be completed within three years from the date of this decision.

AND FINALLY THAT 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 #322/2013**



Scale: 1:10,000

Date Created: 19-Sep-2013 7:51:15 AM  
Map modified November 18, 2013