



**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

October 18, 2013

ALC File: #52970

Ross Priest  
#112 – 17<sup>th</sup> Street South  
Cranbrook, BC  
V1C 0A1

Dear Sir:

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

Please find attached the Minutes of Resolution # 244/2013 as it relates to the above noted application. The Commission has also attached a sketch plan depicting the decision.

Prior to approaching the Registrar of Land Titles to register the subdivision, please submit two paper prints of the subdivision 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.

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

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure(s): Minutes of Resolution #244/2013  
Sketch Plan

cc: Regional District of East Kootenay File: P712 416

52970d2



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on July 17, 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 #52970.

### COMMISSION MEMBERS PRESENT:

Gordon Gillette	Vice-Chair
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 May 29<sup>th</sup>, 2013 requesting reconsideration of its decision recorded as Resolution #20/2013, by which, the proposal to subdivide a 16.4 ha lot into two lots of equal size (8.2 ha) was refused.

<b>Owner:</b>	Silvertip Inc.
<b>Agent:</b>	Ross Priest
<b>Original Proposal:</b>	To subdivide the 16 ha property into two 8 ha lots. (Submitted pursuant to section 21(2) of the <i>Agricultural Land Commission Act</i> )
<b>Original Decision:</b>	Refuse as proposed.
<b>Current Request:</b>	To subdivide the 16 ha property into two 8 ha lots.
<b>Legal:</b>	PID: 010-065-229 Lot B, DL's 12731 and 12732, Kootenay District, Plan 14051
<b>Location:</b>	Kimberly

---

### 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 provided evidence that was not available at the time of the previous decision. The a site visit occurred on June 26<sup>th</sup>, 2013 and additional information was provided by the applicant's agent (Ross Priest) as noted below;

- A letter dated May 29<sup>th</sup>, 2013 from the agent Ross Priest requesting reconsideration.

- A letter dated May 14, 2013 from Tanglefoot Forestry Consultants which indicated that subdivision would enhance rather than reduce agricultural use of the subject property.
- A report dated May 6, 2013 from Rieva McCuaig (P, Ag) which pointed out errors in the Soil Capability for Agriculture mapping; assessed the Agricultural Suitability of the subject property; reviewed improvements to water management on the subject property; and concluded how subdivision might facilitate two agricultural operations.

After reviewing the material noted above, it was moved by Commissioner Thibeault and seconded by Commissioner Collins that there were no persons affected by the reconsideration and that the Commission reconsider Resolution # 79/2013. The motion was carried unanimously.

#### **SITE INSPECTION**

A site inspection was conducted on Wednesday, June 26<sup>th</sup>, 2013 at the subject property. Those in attendance included Commissioner Thibeault, ALC staff Reed Bailey, the agent Ross Priest, the agrologist Rieva McCuaig, and the property caretaker Mark Hogan.

Section 14(2) of the *Agricultural Land Commission Act* provides that a member of the Commission who was not present at a meeting to determine an application or other matter may vote on the application or matter only if a summary of the meeting is given to the member before the vote. The Commissioners noted above were given a verbal summary of the site visit by Commissioner Thibeault.

---

#### **COMMISSION CONSIDERATION**

After considering the new information provided by the agent and the verbal summary of the site visit provided by Commissioner Thibeault, the Commission concluded that the land has very limited potential for agricultural use, due to poor soils and poor drainage, and that subdivision into two parcels as divided by the watercourse could have the effect of increasing agricultural uses on the land.

#### **IT WAS**

**MOVED BY:** Commissioner Thibeault  
**SECONDED BY:** Commissioner Collins

THAT the request to subdivide the subject property into two 8 ha lots be approved.

AND THAT the approval is subject to the following condition(s):

1. the subdivision be in substantial compliance with the plan submitted with the application;
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 #244/2013**

**PROPOSED SUBDIVISION PLAN OF LOT B,  
DISTRICT LOTS 12731 AND 12732,  
KOOTENAY DISTRICT, PLAN NEP14051**

BCGS 82G.061

**DL 8018**

5 **DL**  
PLAN

**12724** 6  
NEP15064



The intended plot size of this plan is  
280mm in width by 432mm in height  
(B size) when plotted at a scale of 1:2500

**LEGEND**

All distances are in metres

Distances are from LTO records  
and are subject to change  
upon legal survey

**DL 11575**

**DL**

**12731**

①

AREA =  
7.97 ha

②

AREA =  
7.97 ha

ALC APPLICATION # 52970  
RESOLUTION # 244/2013  
SKETCH PLAN



**DL 11576**

**DL**

**12732**

PLAN NEP14051

DL 12731  
DL 12732

PLAN 5

R.P.  
1100841

Pcl A  
R.P.  
933851

This plan lies within the Regional District of East Kootenay

HIGHWAY #95A PLAN 7689

**DL 12739**

GARRETT WINKEL LAND SURVEYING LTD.  
125 KOOTENAY STREET NORTH  
CRANBROOK BC VIC 3T5  
PHONE: (250) 489-1182  
12-051-PSUB

Date: August 17th, 2012