



Agricultural Land Commission
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February 27, 2013

ALC File: #53010

Denis Gratton
2107 Kootenay 3 Road
Windermere, BC
V0B 2L2

Dear Mr. Gratton:

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

Please find attached the Minutes of Resolution #43/2013 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 is to be directed to Lindsay McCoubrey.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Brian Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosures: Minutes of Resolution #43/2013
Sketch Plan

cc: Regional District of East Kootenay (File: P 712 524)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on February 19, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53010.

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
Eamonn Watson	Land Use Planner
Colin Fry	Executive Director

PROPOSAL

Subdivide the 8.1 ha subject property into one 2.0 ha lot and one 6.1 ha lot.
(Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

Owner: Denis Gratton

Legal: PID: 018-550-398
Lot 1, District Lot 4596, Kootenay District, Plan NEP20959

Location: Windermere

Size: 8.1 ha

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

6 The following are the purposes of the commission:

(a) to preserve agricultural land;

- (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
- (c) 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.

COMMISSION CONSIDERATION

The Commission reviewed one previous application involving the subject property:

Application #4557 (Elkhorn Ranch Ltd., 1992) Subdivision of the 214 ha subject property into seven lots of approximately 8 ha and one 154 ha remainder. Refused by Resolution #252/1992.

1st Reconsideration: based on the agricultural capability and the limited potential for irrigation on the 60 ha portion, given the topography south of the road. Refused by Resolution #912/1992.

2nd Reconsideration: based on a revised proposal to subdivide the 60 ha portion from the main parcel as separated by the road. Refused by Resolution #990/1992; however the Commission noted it would be favorable to the proposal if two other properties were consolidated.

3rd Reconsideration: based on a revised proposal to subdivide seven lots on the 60 ha portion of the 214 ha subject property given consolidation of three other properties. Allowed by Resolution #1248/1992.

4th Reconsideration: based on the consolidation condition such that the three properties are bound by title, instead of through consolidation. Allowed by Resolution #452/1993.

After considering the information the Commission concluded as follows:

1. 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. The improved agricultural capability ratings identified on CLI map sheet 82J/05 for the subject property are 10% Class 3, 50% Class 4 and 40% Class 5.

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

The limiting subclasses associated with this parcel of land are P (stoniness), T (topographic limitations) and X (combination of soil factors).

Conclusion: While the agricultural capability ratings indicate the land is improvable to a 'Mixed' status; topographic limitations combined with lack of irrigation potential, as noted in the previous application #4557, limits the agricultural potential of the subject property.

IT WAS

MOVED BY: Commissioner Gillette

SECONDED BY: Commissioner Collins

THAT the proposal to subdivide the 8.1 ha subject property into one 2.0 ha lot and one 6.1 ha lot be conditionally approved.

AND THAT the final approval is subject to:

1. The applicant submitting the following documentation for Commission review and approval prior to final approval:
 - a. The Preliminary Layout Approval (PLA) specifying the requirements for subdivision identified by the Approving Officer from the Ministry of Transportation and Infrastructure;
 - b. The requirements for subdivision specified by the local government that are not identified in the PLA; and
 - c. The requirements for subdivision specified by any other person or body having jurisdiction over the land under an enactment.

The Commission will be primarily concerned with any conditions of approval it believes will result in either a substantial deviation from the plan submitted with the application and to which this preliminary approval is granted or conditions it believes are inconsistent with the purposes of the *Agricultural Land Commission Act* to preserve agricultural land and encourage farming.

Final approval is contingent on the Commission's acceptance of the conditions of approval. The final survey plan should not be prepared in advance of receiving the Commission's written acceptance of the conditions of approval.

2. The subdivision plan must be completed within three (3) 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 #43/2013



Lot 1 District Lot 4596 KDP NEP 20959

