



Agricultural Land Commission
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www.alc.gov.bc.ca

February 5, 2013

ALC File: #53299
RDEK File: P 713 306

David Ratvay & Lisa Tettamanti-Ratvay
8297 Betts Road
Wardner, BC V0B 2J0

Dear Mr. Ratvay & Ms. Tettamanti-Ratvay:

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

Please find attached the Minutes of Resolution #358/2013 as it relates to the above noted application.

The Commission draws your attention to Section 33(1) of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

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.

A revised proposal does not constitute new evidence and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

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 'Lindsay McCoubrey', is written over a large, stylized signature that appears to be 'Brian Underhill'. The signature is written in a cursive, flowing style.

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #358/2013

cc: Regional District of East Kootenay (File: P 713 306)

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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 Application #53299.

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

PROPOSAL (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

To subdivide the 103.3 ha property into three lots; two lots approximately 6 to 8 ha in size and a 90 ha remainder.

PROPERTY INFORMATION:

Owner: Lisa Tettamanti-Ratvay & David Ratvay

Legal: PID: 008-098-182
District Lot 16255, Kootenay District, Except Plans NEP77396 and NEP89827

Location: 8297 Betts Road, Wardner

Size: 103.3 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 #45123 To subdivide the 122 ha subject property to create four (4) parcels of 8 ha, 12 ha, and 13 ha with an 87 ha remainder for the owners. The remaining 2 ha not accounted for in the proposed lot sizes was for road allowance to access the new parcels. The Commission conducted a site inspection. Refused as proposed, however, the Commission did allow two 8 ha lots to be subdivided from the property by Resolution #389/2008.
(Tettamanti-Ratvay, 2008)

Note: The subdivision has been completed.

After considering the information the Commission concluded as follows:

In 2008, the Commission refused a proposed four lot subdivision but did allow subdivision of two 8 ha lots from the subject property. Within resolution #389/2008 the Commission concluded that:

[t]he Commission does not believe there are external factors that render the land unsuitable for agricultural use. However, while viewing the property, the Commission noted that the northeastern portion of the property had minimal agricultural capability and discussed the possibility of allowing two 8.0 ha lots in this area while leaving the remainder of the property as one unit. The Commission believes that further parcelization of this property would be inappropriate.

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission believes the proposal as submitted would impact existing or potential agricultural use of surrounding lands. However, if contained within the northeastern portion of the property, the Commission believes that the creation of two 8.0 ha parcels would not have an adverse impact on the existing subject property, nor would it impact the potential agricultural use of surrounding areas.

Conclusion: The Commission concurs with the conclusions within Resolution #389/2008, and is of the opinion that they are still valid as it pertains to the subject property today.

Conclusion: The Commission is unwilling to continue subdividing the subject property and the area in general in an ad-hoc manner. The Commission is undertaking boundary reviews in the Regional District of East Kootenay (RDEK). Land owners in each region will have opportunity to engage with the Commission during a public meeting, when each area is reviewed. The subject property is within Electoral Area "C" which is scheduled for a boundary review during 2014.

IT WAS

MOVED BY: Commissioner Gillette
SECONDED BY: Commissioner Collins

THAT the proposal to subdivide the 103.3 ha property into two 6 to 8 ha lots and a 90 ha remainder be refused.

CARRIED
Resolution #358/2013