



September 6, 2016

**Agricultural Land Commission**  
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www.alc.gov.bc.ca  
ALC File: 54545

Perry Rammeloo  
Box 300  
Jaffray, BC V0B 1T0

Dear Mr. Rammeloo:

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

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #330/2016) as it relates to the above noted application. A sketch plan depicting the decision has been attached.

Please send two (2) paper copies or one (1) electronic copy of the final survey plan 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 is to be directed to Riccardo Peggi at (Riccardo.Peggi@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Colin J. Fry, Director of Policy and Planning

Enclosures: Reasons for Decision (Resolution #330/2016)  
Sketch plan

cc: Regional District of East Kootenay (File: P 715 209)

54545d1



## **AGRICULTURAL LAND COMMISSION FILE 54545**

### **REASONS FOR DECISION OF THE KOOTENAY PANEL**

**Application submitted pursuant to s. 21(2) of the *Agricultural Land Commission Act***

**Applicant:**

**Perry Rammeloo  
(the “Applicant”)**

**Application before the Kootenay Regional Panel:**

**Harvey Bombardier  
Ian Knudsen**



## **THE APPLICATION**

[1] The legal description of the property involved in the application is:

Parcel Identifier: 029-462-738

Lot A, District Lot 6241, Kootenay District, Plan EPP43367

(the "Property")

[2] The Property is 6.3 ha in area.

[3] The Property is generally described as being located on Highway 3/93 between Jaffray and Galloway (2820 Betania Road).

[4] The Property is located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").

[5] The Property is located within Zone 2 as defined in s. 4.2 of the *ALCA*.

[6] Pursuant to s. 21(2) of the *ALCA*, the Applicant is applying to subdivide a 2.5 ha parcel from the Property (the "Proposal"). The Proposal along with supporting documentation is collectively the application (the "Application").

[7] On February 22, 2016, the Chair of the Agricultural Land Commission (the "Commission") referred the Application to the North Regional Panel (the "Panel").

## **RELEVANT STATUTORY PROVISIONS**

[8] The Application was made pursuant to s. 21(2) of the *ALCA*:

21(2) An owner of agricultural land may apply to the commission to subdivide agricultural land.

[9] The Panel considered the Application pursuant to its mandate in s. 4.3 of the *ALCA*:

4.3 When exercising a power under this Act in relation to land located in Zone 2, the commission must consider all of the following, in descending order of priority:

- (a) the purposes of the commission set out in section 6;
- (b) economic, cultural and social values;
- (c) regional and community planning objectives;
- (d) other prescribed considerations.

[10] The purposes of the Commission set out in s. 6 are as follows:

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.

### **EVIDENTIARY RECORD BEFORE THE PANEL**

[11] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Previous application history
4. Agricultural capability map, ALR context map and satellite imagery

All documentation noted above was disclosed to the Applicant in advance of this decision.

[12] The Panel reviewed one previous application involving the Property:



Application ID: 53105  
(Rammeloo, 2013)

To subdivide a 10 ha portion from the 27.6 ha Property, as divided by a creek. The remaining 17.6 ha was to be consolidated with District Lot 5805 to the south. Approved by Resolution #303/2013.

### **SITE VISIT**

[13] On June 23, 2016, the Panel conducted a walk-around and meeting site visit in accordance with the *Policy Regarding Site Visits in Applications* (the "Site Visit").

[14] A site visit report was prepared in accordance with the *Policy Regarding Site Visits in Applications* and was provided to the Applicant on August 5, 2016 (the "Site Visit Report").

### **FINDINGS**

#### *Section 4.3(a) and Section 6 of the ALCA: First priority to agriculture*

[15] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system. The improved agricultural capability ratings identified on CLI map sheet 92G/06 for the mapping units encompassing the Property are Class 3 and Class 4; more specifically (6:3M - 4:2X).

Class 2 - land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in management.

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.

The limiting subclasses associated with this parcel of land are M (moisture deficiency) and X (combination of soil factors).

[16] The Panel reviewed the CLI ratings and the Site Visit Report and find that the Property has moderate to good agricultural capability but has limited agricultural suitability due to its small size and periodic inundation of the lower portion of the Property by Sand Creek.

[17] In his letter, the Applicant stated the following: *“We would like to sell the main dwelling/shop and 5 acres which I feel is unsuitable for agriculture. By selling proposed lot 1 it will not affect agricultural use on proposed lot 2.”*

Section 4.3(b) of the ALCA: Second priority to economic, cultural and social values

[18] The Applicant did not provide any evidence or rationale regarding any economic, cultural and social values that are pertinent to the Application.

Section 4.3(c) of the ALCA: third priority to regional and community planning objectives

[19] The Property is within the Regional District of East Kootenay (the “RDEK”), in an area without a zoning bylaw or official community plan.

[20] The recommendation of the RDEK Planning Staff was to support the Application as: *“the proposed subdivision resolves an existing non-conforming situation and no negative impacts to the nearby agricultural uses have been identified.”*

Weighing the factors in priority

[21] The Panel believes that the Property has limited agricultural suitability and that the proposed subdivision will remove the less agriculturally capable 2.5 ha from the Property.

[22] The Panel does not believe that the proposed subdivision will have a significant negative impact on agriculture in the area, as it is separated from adjacent agricultural properties by Betania Road to the north, Sand Creek to the south, and buffered on both the east and west sides by vegetation.



[23] The Panel gave consideration to economic, social and cultural values and regional and community planning objectives planning as required by s. 4.3. In this case, the Panel finds that these considerations are not contributory to the decision given the Panel's finding following its review of the agricultural considerations.

## **DECISION**

[24] For the reasons given above, the Panel approves the Proposal to subdivide a 2.5 ha parcel from the Property.

[25] The Proposal is approved subject to the following conditions:

- a. the subdivision being in substantial compliance with the plan submitted with the Application; and
- b. the subdivision plan being completed within three (3) years from the date of release of this decision.

[26] 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.

[27] Commissioner **Harvey Bombardier** concurs with the decision.  
Commissioner **Ian Knudsen** concurs with the decision.

[28] Decision recorded as Resolution #330/2016.

A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *Agricultural Land Commission Act*.

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Upon instruction of the Panel, I have been authorized to release the Reasons for Decision by Resolution #330/2016. The decision is effective upon release.



A handwritten signature in black ink, appearing to be 'CJF'.

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**Colin J. Fry, Director of Policy and Planning**

**September 6, 2016**

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**Date Released**



ALC Application #54545  
(Applicant - Rammelloo)  
Resolution # 330/2016

Subdivision of approximately  
2.5 ha from Property  
Approved by Resolution #330/2016.



GeoBC

Image © 2016 Province of British Columbia

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49°22'02.84" N 115°15'08.65" W elev 2814 ft

Eye alt 7283 ft