



**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

April 19, 2007

Reply to the attention of Terra Kaethler  
ALC File: #L - 37005

Alfred & Erika Braun  
PO Box 10 - 5860 Wardner Road  
Wardner, BC V0B 2J0

Dear Sir/Madam:

Re: **Application to Subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 126/2007 outlining the Commission's decision as it relates to the above noted application.

Please send two (2) paper prints of the final survey 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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

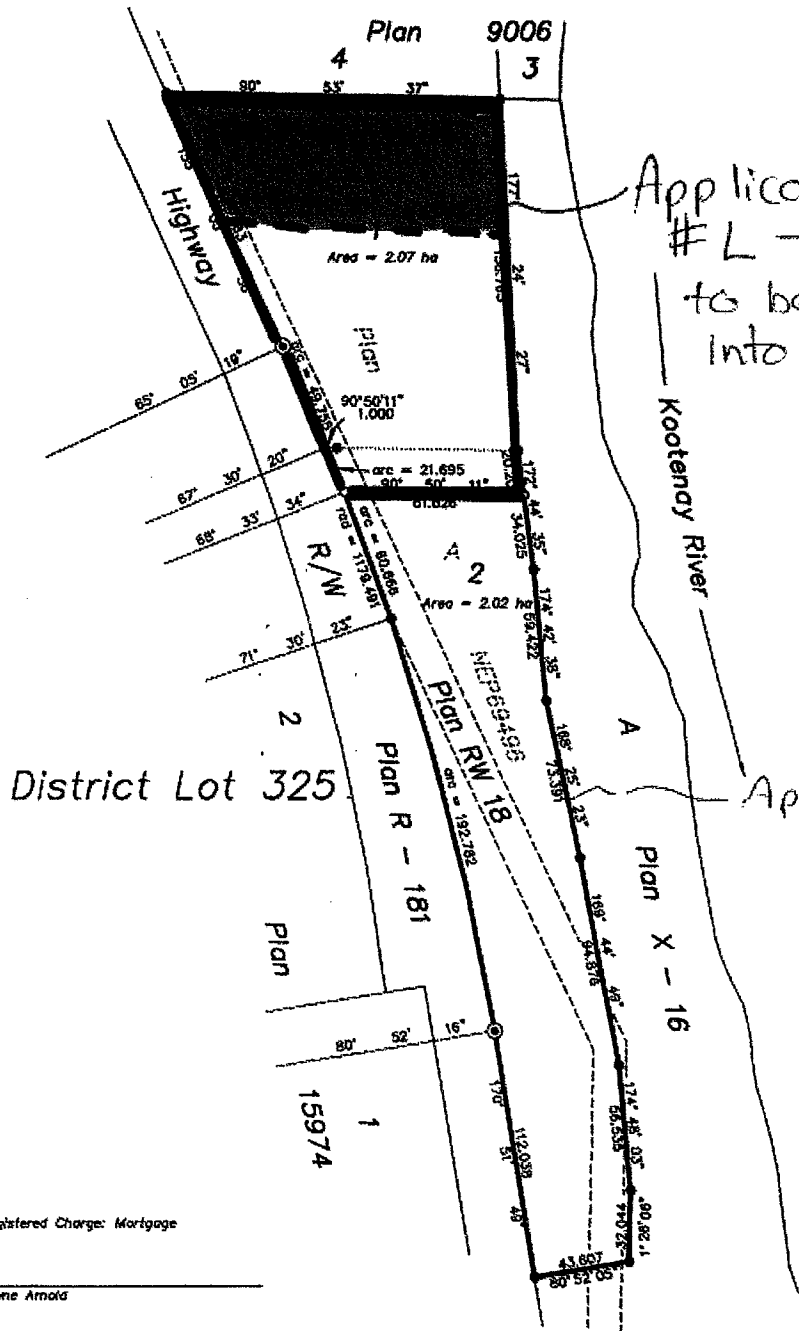
Erik Karlsen, Chair

cc: Regional District of East Kootenay (#P-706-328)

Enclosure: Minutes/Sketch Plan

TK/lv  
37005d1

Plan NEP  
 Deposited in the Land Title Office  
 this \_\_\_\_\_ day of \_\_\_\_\_



Application # L-37005  
 to be divided into 2 lots

THIS  
 PLAN  
 IS  
 AUTHENTIC  
 PROJECT

District Lot 325

Application # L-37006

Registered Owners:

Alfred Ernst Werner Braun

Erka Braun

Tom Mark Braun

Witness, to the above signature  
 Name:  
 Occupation:  
 Address:

I, Frank R. Maag, a British Columbian of Cranbrook, in British Columbia, present at and personally supervised by this plan, and it are correct. The field survey was made on the 8th day of February, 2006. It was checked, and the checklist on the 16th day of February, 2006.

*[Signature]*

Registered Charge: Mortgage

Wayne Arnold

Provincial Agricultural Land Commission  
 Application # 37005  
 Resolution #126/2007

- Subject Property
- Lot 1 (1 ha) approved for subdivision from the ALR



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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A meeting was held by the Provincial Agricultural Land Commission on March 20, 2007 in Cranbrook, B.C.

<b>PRESENT:</b>	Monika Marshall	Chair, Kootenay Panel
	Carmen Purdy	Commissioner
	D. Grant Griffin	Commissioner
	Terra Kaethler	Staff
	Roger Cheetham	Staff

### For Consideration

Application: # L - 37005  
Applicant: Alfred & Erika Braun  
Proposal: To subdivide the 4 ha subject property into two 2 ha lots.  
Legal: PID: 026-679-744  
Lot 1, District Lot 325, Kootenay District, Plan NEP81029  
Location: 5860 Wardner Road, Wardner

### Site Inspection

A site inspection was conducted on March 20, 2007. Those in attendance were:

- Alfred Braun Applicant
- Monika Marshall Chair, Kootenay Panel
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Terra Kaethler Staff
- Roger Cheetham Staff

The Commission walked the property and discussed the proposal with the applicant. The Commission noted that the property was separated from the large parcels of ALR by the Kootenay river to the east and by Wardner Road to the West. The Commission recalled upon the site visit that the property was in close proximity to the small lot development of Wardner.

### Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. 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.

**Discussion**

The Commission determined that the parcel had very limited agricultural capability given the small size of the property and the secondary soil capability ratings.

The Commission also recognized that the property is in close proximity to the residential community of Wardner and that the proposed lot size would be of similar lot size to the nearby development. Therefore, the Commission did not believe that the proposal would impact existing or potential agricultural use of surrounding lands.

**Conclusions**

1. That the land under application has limited agricultural capability.
2. That the proposal will not impact agriculture.

**IT WAS**

**MOVED BY:** Commissioner Purdy  
**SECONDED BY:** Commissioner Marshall

THAT the application be approved;

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- the subdivision must be completed within three (3) years from the date of this decision.

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 # 126/2007**



**Staff Report**  
**Application # L – 37005**  
**Applicant: Alfred & Erika Braun**

**DATE RECEIVED:** October 13, 2006

**DATE PREPARED:** December 18, 2006

**TO:** Chair and Commissioners – Kootenay Panel

**FROM:** Simone Rivers, Land Use Planner

**PROPOSAL:** To subdivide the 2 ha subject property into two 1 ha lots.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

**Local Government:**

Regional District of East Kootenay

**Legal Description of Property:**

PID: 026-679-744  
Lot 1, District Lot 325, Kootenay District, Plan NEP81029

**Purchase Date:**

1987

**Location of Property:**

5860 Wardner Road, Wardner

**Size of Property:**

2.0 ha (The entire property is in the ALR).

**Present use of the Property:**

Residence and tree farm

**Surrounding Land Uses:**

**WEST:** Pasture  
**SOUTH:** Wild Grass  
**EAST:** Kootenay River  
**NORTH:** Pasture

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82G/6  
The majority of the property is identified as having Secondary ratings.

**PREVIOUS APPLICATIONS:**

**Application #36090-0**

**Applicant:** Braun, Alfred & Erika  
**Decision Date:** August 09, 2005  
**Proposal:** To subdivide the 4.04 ha property into two parcels of 2 ha and 2.04 ha.  
**Decision:** Allowed on the grounds that the Commission considered that the subdivision of the property into two would have no effect on the agricultural potential of the property.

**RELEVANT APPLICATIONS:**

**Application #37006-0**

**Applicant:** Braun, Tom and Karen  
**Proposal:** To subdivide the 2 ha property into two 0.4 ha lots, one 0.3 ha lot, one 0.2 ha lot and one 0.7 ha lot.  
**Decision:** *Pending*

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Regional District of East Kootenay:** The Regional Board forwarded the application with a recommendation of support

**Advisory Planning Commission Area C:** - The APC for Area C supports the application. The members present felt that splitting the property into building lots to be a logical use because of the total rockiness of the land below the surface and the absence of zoning.

**Agricultural Advisory Commission:** the AAC accepted the application as presented.

**ATTACHMENTS:**

- Letter from the applicant dated August 25, 2006
- Sketch of proposed subdivision (submitted by the applicants)
- Sketch of Plan NEP81026 allowed by application # L-36090
- ALR Context Map - 82G/6 - 1:50,000 (created by ALC Staff)
- Airphoto - (submitted by Regional District of East Kootenay)

END OF REPORT

*Simone Rivera*  
Signature

*Dec 18, 2006*  
Date

**Plan NEP**

Deposited in the Land Title Office  
this day of

Registrar

Application # L-37005  
to be divided into 2 lots

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Registered Owners:

Application # L-37006

Alfred Ernst Werner Braun

Erika Braun

Tom Mark Braun

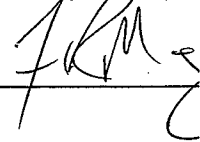
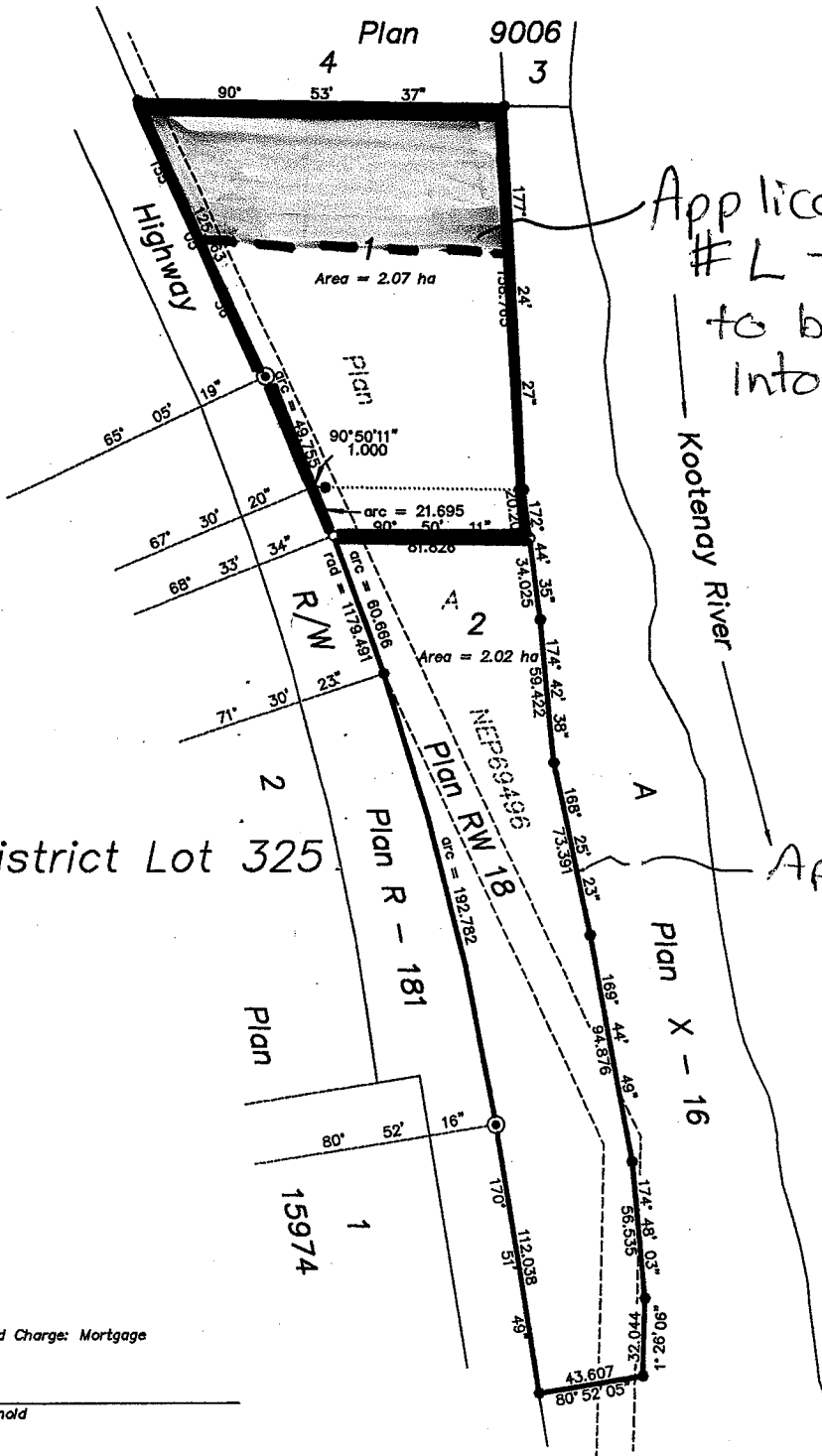
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Registered Charge: Mortgage

Wayne Arnold

**Provincial Agricultural Land Commission**

Application # 37005  
Resolution #126/2007



Subject Property



Lot 1 (1 ha) approved for subdivision from the ALR