



Agricultural Land Commission
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Reply to the attention of Terra Kaethler
ALC File: L-37550

December 5, 2007

John & Johanna Baher
6135 Hwy 43
Sparwood, BC V0B2G3

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 642/2007 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:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a white background.

Erik Karlsen, Chair

cc: Regional District of East Kootenay (P707-109)

Enclosure: Minutes/Homesite Severance Policy/Sketch Plan

TK/37550d1.doc



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 30, 2007 in Cranbrook, B.C.

PRESENT: Monika Marshall Chair, Kootenay Panel
 Carmen Purdy Commissioner
 D. Grant Griffin Commissioner
 Terra Kaethler Staff

For Consideration

Application: # L- 37550
Applicant: John & Johanna Baher
Proposal: Subdivision for a Relative: To subdivide the 25.7 ha lot into one 8 ha lot (to provide a homesite for the owner's son) and one 17.7 ha lot.
Legal: PID: 014-194-244
 Lot 1, District Lot 11706, Kootenay District, Plan 7001
Location: 6135 Highway 43, Elk Valley Area

Site Inspection

A site inspection was conducted on October 30, 2007. Those in attendance were:

- Monika Marshall Chair, Kootenay Panel
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Terra Kaethler Staff

The Commission met with the applicants and walked the property. The Commission noted that the property was rocky and had a significant slope. There was a small hay field for the applicant's horses. The applicant's also presented the Commission with evidence that they had owned the property since 1969.

The applicants confirmed that the staff report dated October 16, 2007, was received and no errors were identified.

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

Assessment of Agricultural Capability

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, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the subject property is predominantly Class 4, with a portion of the property rated as Class 6 and Class 7 with limitations of topography and stoniness.

Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

Class 7 – Land in this class has no capability for arable or sustained natural grazing

The Commission considered that the subject property had significant limitations for agriculture.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. As the property has limited capability for agriculture, and meets the minimum lot size for this area, the Commission does not believe the proposal would impact existing or potential agricultural use of the subject property or surrounding lands.

Assessment of Other Factors

At the site visit, the applicants presented the Commission with the original title to the property, which they have owned since 1969. As such, the applicants appear to be eligible for consideration of a subdivision under the *Homesite Severance Policy*.

In consideration of the *Homesite Severance Policy*, the Commission has no objection to the subdivision as proposed. However, it should be noted that the Commission considers this approval as having fulfilled the objectives of the *Homesite Severance Policy* and may not consider future applications under the *Homesite Severance Policy*.

Conclusions

1. That the land under application has limited agricultural capability.
2. That the proposal will impact agriculture.
3. That the subdivision fulfills the objections of the *Homesite Severance Policy*.

IT WAS

MOVED BY: Commissioner Marshall

SECONDED BY: Commissioner Purdy

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 # 642/2007

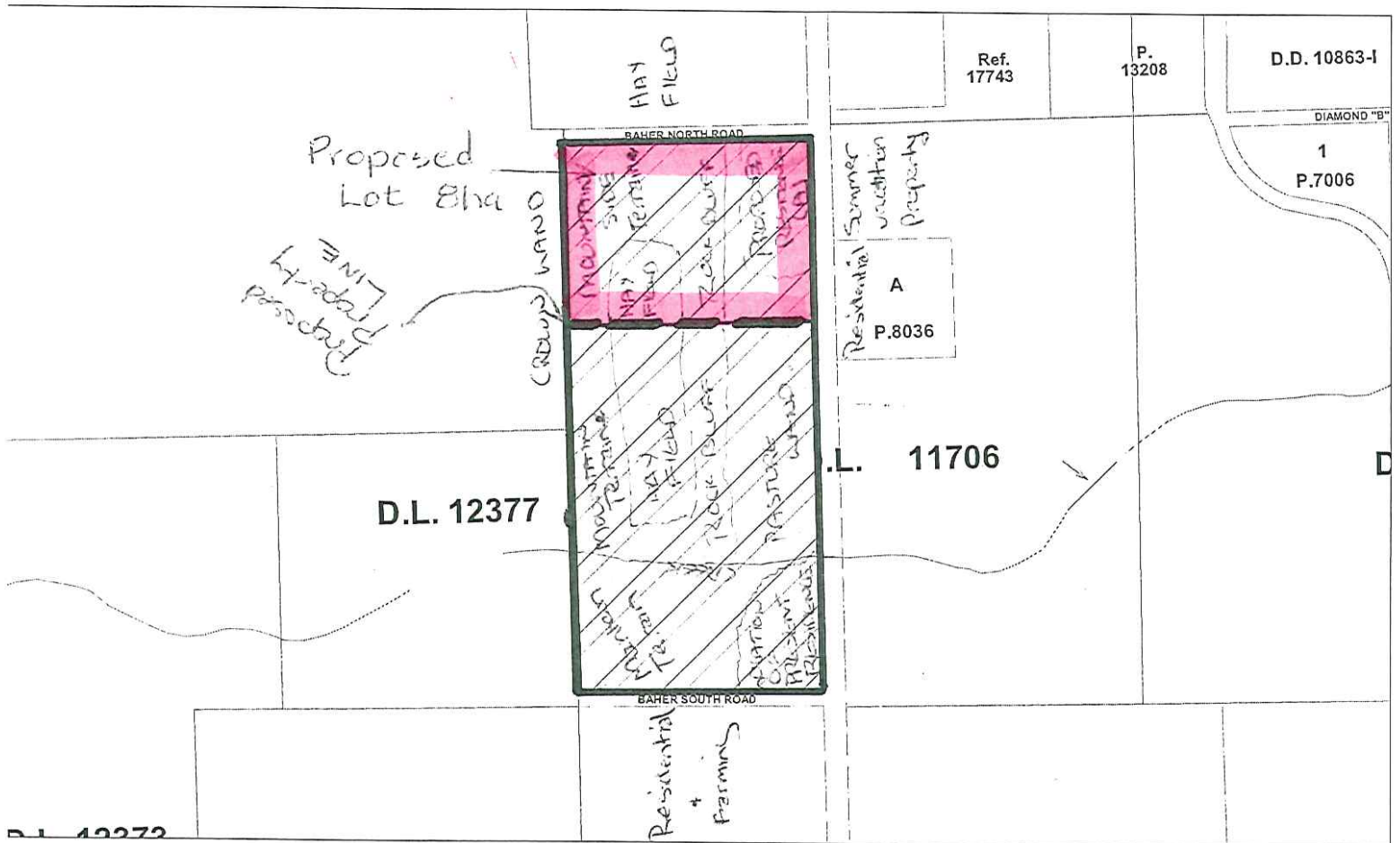
Provincial Agricultural Land Commission

Application # 37550

Resolution # 642/2007



Approved 8.0 ha subdivision



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LAND COMMISSION
JUL 12 2007