



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

Reply to the attention of Terra Kaethler
ALC File: L-37617

December 17, 2007

Maurice and Carol Hafner
772 Sterling Rd., Baynes Lake
RR1 - Site 4b - Comp 1
Elko, BC V0B1J0

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 678/2007 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-707-220)

Enclosure: Minutes/Sketch Plan

TK/37617d1.doc



A meeting was held by the Provincial Agricultural Land Commission on November 1, 2007 in Cranbrook, B.C.

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

For Consideration

Application: # L- 37617
Applicant: Maurice and Carol Hafner
Proposal: To subdivide the 2.01 ha subject property to create a new 0.97 ha lot
 and a 1.0 ha residential remainder
Legal: PID: 014-351-013
 Lot 6, District Lot 132, Block 21, Kootenay District, Plan 1181
Location: 772 Sterling Road, Baynes Lake

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
- Maurice and Carol Hafner Applicants

The Commission met with the applicants and walked the property. The Commission noted that the property was in an area of small parcel sizes and appeared to have low soil capability. 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 identified as 50% Class 3, 40% Class 4 (improvable), and 10% Class 6 (unimprovable) with limitations of soil moisture deficiency and topography:

- Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.
- 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.

The Commission noted at the site visit that the top soil of the area proposed for subdivision had been removed and the remaining soil was rocky and sloped.

Assessment of Agricultural Suitability

The Commission considered that the subject property has limited agricultural potential due to its small size and marginal soil capability. The Commission also considered that the subject property is surrounded by residential lots of similar size. The Commission believes that these factors render the subject property unsuitable for agricultural use.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The panhandle access to the proposed subdivision was discussed and determined that it would not negatively impact the property. The Commission does not believe the proposal would impact existing or potential agricultural use of the property or surrounding lands.

Further, it was the Commission's view that the concentration of residential development in this area may reduce potential for conflicts between agriculture and residential development elsewhere and encourage the efficient use of land thus reducing the pressure on the ALR for further urban development.

Conclusions

1. That the land under application has limited agricultural capability.
2. That the land under application is not suitable for agricultural use.
3. That the proposal will not impact agriculture.

IT WAS

MOVED BY: Commissioner Purdy

SECONDED BY: Commissioner Griffin

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.

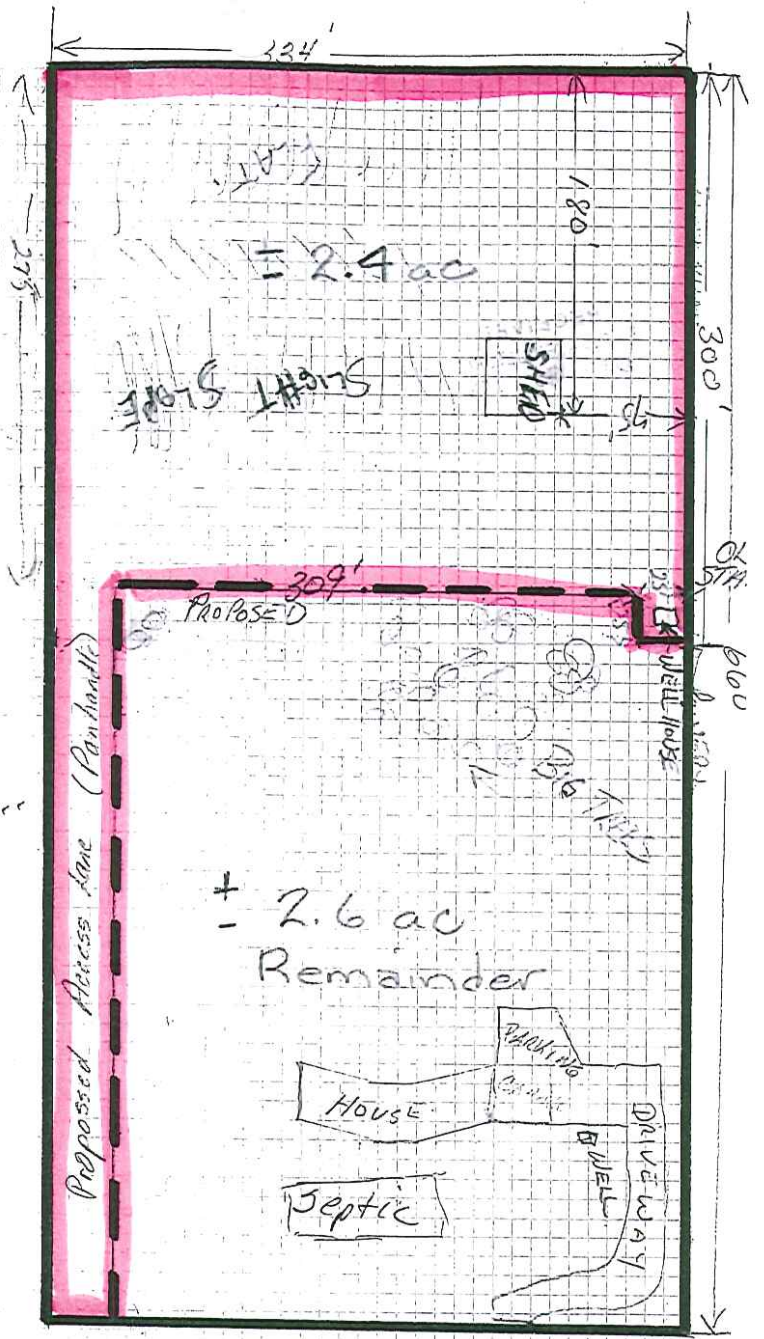
This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED

Resolution # 678/2007



THESE MEASUREMENTS ARE APPROXIMATE,
BUT CLOSE





STERLING ROAD 5 ACRES

Maurice W Hatner
 Maureen Carol Hatner
 RRI Site 43 Camp
 ELKO BC V0B1A0
 250 529 7268

Lot 6 Bl 21 P1181 DL 132
 Title No. KP66 295

Provincial Agricultural Land Commission
 Application # 37617
 Resolution #678/2007

-  Subject Property
-  Approved subdivision of approximately 1.0 ha lot, 1.0 ha remainder