



Agricultural Land Commission
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December 4, 2007

Reply to the attention of Terra Kaethler
ALC File: L-37675

August and Liane Hirn
8220 Highway 95A
Kimberley, BC V1A 3L6

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 633/2007 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 (P707-418)

Enclosure: Minutes/Sketch Plan

TK/lv
37675d1.



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 31, 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- 37675
Applicant: August and Liane Hirn
Proposal: To subdivide the 4.87 ha subject property to create one (1) 2 ha lot and a 2.8 remainder.
Legal: PID: 015-206-700
Location: Lot 9, District Lot 11304, Kootenay District, Plan 2575
8220 Highway 95A, Meadowbrook

Site Inspection

A site inspection was conducted on October 31, 2007. Those in attendance were:

- Monika Marshall Chair, Kootenay Panel
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Terra Kaethler Staff
- Roger Cheetham Staff
- August and Liane Hirn Applicants

The Commission met with the applicants and walked the property. It noted that the house was on a steep bank and that the subject property was surrounded by small, residential parcels. The applicant confirmed that the staff report dated October 19, 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 agricultural capability of the soil of the subject property is rated as Class 3 (improved), Class 5, and Class 6 with limitations of stoniness 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 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

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

The Commission noted that the property was steeply sloped along the proposed panhandle access and led up to the existing dwelling. It considered that the 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. The Commission noted that the subject property is in a block of small residential parcels, averaging 1.2 ha. The proposal conforms to the parcels size for the area, and is consistent with the OCP and zoning designation for this area. As such, the Commission does not believe the proposal would impact existing or potential agricultural use of the subject property or 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 Marshal

SECONDED BY: Commissioner Griffin

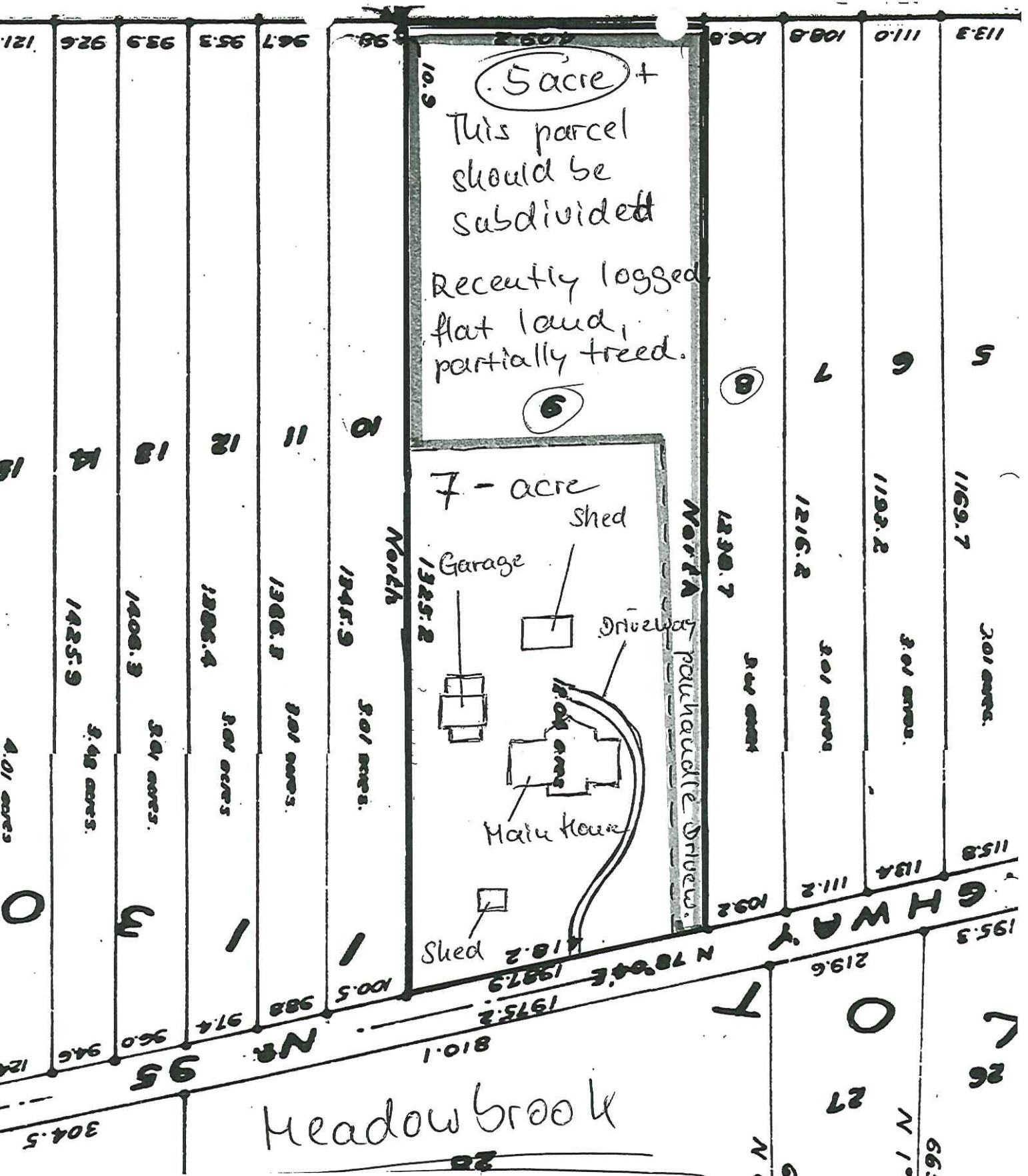
THAT the application be approved; and that the approval is subject to the following conditions:

- 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 # 633/2007



Provincial Agricultural Land Commission
 Application # 37675
 Resolution # 633/2007

- Subject Property
- Approved 2.0 ha lot

