



Agricultural Land Commission
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April 15, 2008

Reply to the attention of Jennifer Carson
ALC File: L-37966

Kurt and Donna Stoiber
8464 Highway 95A
Kimberley, BC V1A3L2

Dear Mr. and Mrs. Stoiber:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 115/2008 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-707-429)

Enclosure: Minutes/Sketch Plan



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 27, 2008 in Cranbrook, B.C.

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

For Consideration

Application: # L- 37966
Applicant: Kurt and Donna Stoiber
Proposal: To subdivide the 7.8 ha property into one (1) lot of 4.0 ha and a remainder of 3.8 ha for rural residential use.
Legal: PID: 010-782-648
District Lot 12737, Kootenay District, Except Part included in Plan 7054
Location: 8464 Highway 95A - Meadowbrook Area

Site Inspection

A site inspection was conducted on March 26, 2008. Those in attendance were:

- Monika Marshall Chair, Kootenay Panel
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Roger Cheetham Staff
- Jennifer Carson Staff
- Kurt Stoiber Applicant

The Commission met with Mr. Stoiber at the subject property to discuss the application. Mr. Stoiber mentioned that the proposed parcels would be a similar size to the properties north, east and west of the subject property. Mr. Stoiber also mentioned that he offered his property to his neighbour to cut hay, but his neighbour declined as the boulders on the property could damage the haying equipment. Mr. Stoiber mentioned that when digging into the ground, one comes across many stones which would also make it difficult to farm the property. There are presently three horses on the property, however, by fall Mr. Stoiber must import hay. Mr. Stoiber explained the existing house is too large for him and his wife, and thus they plan to sell the back lot with the house and build a new house on the newly created parcel. Mr. Stoiber also proposed an alternative subdivision to divide the property into lots of approximately one third and two thirds, having the larger parcel by the road at the northern end of the subject property. The Commissioners indicated that they would discuss this alternative proposal during their consideration of the application.

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 improved ratings for the agricultural capability of the soil of the subject property are:

- 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.

Subclasses

- P stoniness
T topography

Assessment of Agricultural Suitability

The Commission assessed whether the external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external factors that render the land 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 Commissioners believe that due to the stoniness and large boulders on the property, the property has low agricultural potential. Furthermore, the Commission noted that, with the exception of the properties to the south and southwest, the surrounding properties were of a similar size as the proposed parcels. The Commission also discussed the alternative proposal of making the front lot larger and believe that a subdivision in half, as was originally proposed, would be better. It was believed that to allow a 1/3 - 2/3 subdivision would introduce another smaller lot size and raise expectations for further smaller subdivisions in the area. However, the Commission believes that the original proposal would not adversely impact existing or potential agricultural use of surrounding lands.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will not adversely impact agriculture.

IT WAS

MOVED BY: Commissioner Purdy
SECONDED BY: Commissioner Marshall

THAT the application be allowed.

AND THAT the approval is subject to the following conditions:

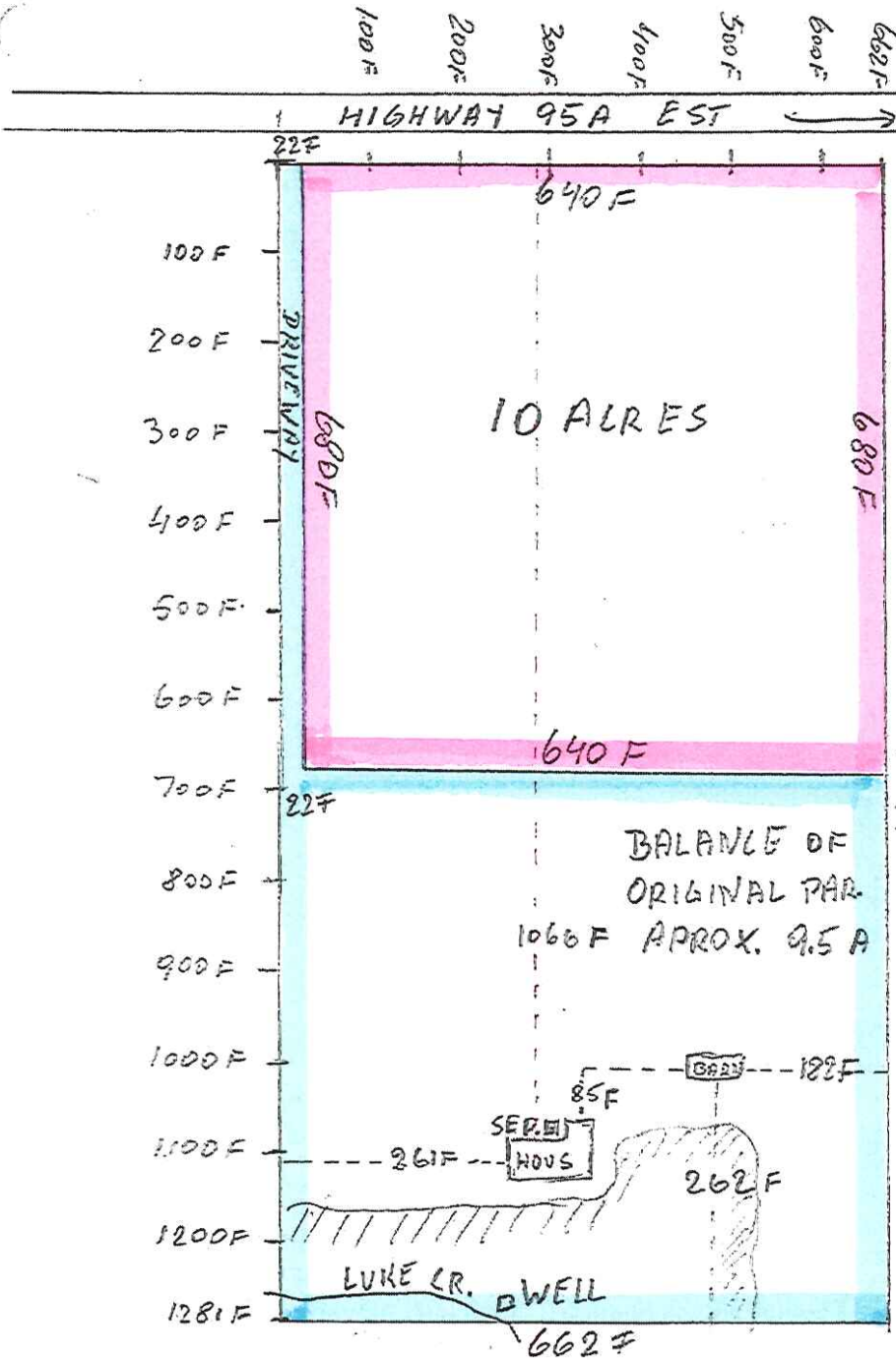
- the subdivision be in substantial compliance with the plan submitted with the application.
- the subdivision must be completed within three (3) years from the date of this decision.

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 # 115/2008

AMENDMENT APPLICATION



RECEIVED
 PROV. AGRICULTURAL LAND COMMISSION
 FEB 6 2008

Lot 1
 Lot 2