



Agricultural Land Commission
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July 24, 2008

Reply to the attention of Jennifer Carson
ALC File: L-38043

David and June Lymburner
RR2 - 4950 Stoddart Creek Road
Invermere, BC V0A1K2

Dear Mr. and Mrs. Lymburner:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 385/2008 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-707-601)
BC Land Title & Survey,

Enclosure: Minutes/Sketch Plan

JC/38043d2



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on July 8, 2008 in Cranbrook, B.C.

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

For Consideration

Application: # L- 38043
Applicant: David and June Lymburner
Proposal: To reconsider the decision to refuse the application based on the decision being based on evidence relating to water availability and soil placement that was not available at the time of the original decision.
Legal: PID: 009-034-994
Location: Lot 5, District Lot 288, Kootenay District, Plan 15932
4950 Stoddart Creek Road, Invermere

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 considered what persons may be affected by the reconsideration.

Assessment of Agricultural Capability and Suitability

Upon revisiting the application and reviewing all of the information received from the applicant, the Commission believes that the property in fact has little suitability and capability for agriculture. The Commission was not aware that soil from off the property was used to develop the garden area that it viewed during its site visit on May 6, 2008.

Conclusion

The proposal will not impact agriculture as the subject property has little agricultural capability and suitability.

IT WAS

MOVED BY: Commissioner Marshall

SECONDED BY: Commissioner Purdy

THAT no persons are affected by the reconsideration.

AND THAT the decision be reversed and 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 # 385/2008