



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

September 25, 2008

Reply to the attention of Jennifer Carson
ALC File: L-38045

Top of the World Ranch Ltd
PO Box 29 - 8350 Holmes Road
Fort Steele, BC V0B1N0

Dear Mr. Sadler:

Re: Application for Non-Farm Use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 526/2008 outlining the Commission's decision as it relates to the above noted application.

If you wish to proceed with the administration building before the completion of the parcel consolidation, the farm plan and the restrictive covenant please be advised that a letter of credit for the amount of \$100,000 is required. Please also note that you must satisfy all local government requirements before constructing the administration building. This letter of credit will be returned upon the successful completion of the other conditions to the satisfaction of the Commission.

If you choose to wait until completing all of the conditions to the satisfaction of the Commission, no letter of credit is required.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:


Erik Karlsen, Chair

JC/

cc: Regional District of East Kootenay (P-707-401)
BC Land Title & Survey,

Enclosure: Minutes/ Restrictive Covenant Example

i/38045d2

Conclusions

1. The non-transferability clause can be replaced with a restrictive covenant that serves to forewarn any prospective purchaser that any use other than a treatment centre or farm will require Commission approval.
2. That the letter of credit at \$100,000 is a reasonable amount to ensure that all other conditions are completed. If this amount is too high for the applicant, the construction of the administration building can wait until all other conditions are met to the satisfaction of the Commission.

IT WAS

MOVED BY: Commissioner Purdy

SECONDED BY: Commissioner Griffin

THAT the condition of non-transferability be replaced with the condition that a restrictive covenant be placed on the property indicating that the property may only be used as a farm and treatment centre to ensure that the purchaser understands and will seek the Commission's approval for anything different.

AND THAT the request to reduce the amount for the letter of credit be refused. The \$100,000 letter of credit will be returned to the applicant when the Commission is satisfied that the other conditions have been met.

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 # 526/2008