



Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
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www.alc.gov.bc.ca

March 17, 2006

Reply to the attention of Ron Wallace

George & Bridget Baumann
PO Box 1270
Kaslo, BC V0G 1M0

Dear Sir/Madam:

Re: **Application #F-36469**
Sublot 11, District Lot 819, Kootenay District, Plan X77, EXCEPT Parcel A
(Sketch Plan 20351A)

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to exclude approximately 12 ha of land from the ALR on the periphery of the above noted property. The application was submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*.

The Commission would again like to thank you for meeting with its representatives on 8 August 2005 at the subject property to discuss the current proposal to develop a retirement lodge facility on the non-arable portion of the property in addition to other non-farm uses while retaining the arable portion of the property for organic farming.

It was during this meeting that the Commission felt the southeast corner of the property, containing the barn, should remain in the ALR. In light of this previous discussion the Commission refused exclusion from the ALR of the southeast portion of the property but did approve exclusion of the southwest and northern portion of the property from the ALR as proposed.

This approval is subject to:

- the preparation of a subdivision plan to delineate the area to be excluded as shown on the attached drawing.
- the registration of a no build covenant on the ALR property for all structures
- compliance 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. The Commission suggests you contact the Regional District of Central Kootenay at your earliest convenience.

The decision noted above is recorded as Resolution #112/2006.

Please send two (2) paper prints of the final survey plans to this office well in advance of commencing registration at the Land Titles Office. When the Commission confirms that the subdivision plan is acceptable it will authorize the Registrar of Land Titles to accept the application for deposit of the plan and confirm the exclusion of the area from the Agricultural Land Reserve Plan of the Regional District of Central Kootenay.

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Please quote your application number in any future correspondence.

Yours truly,

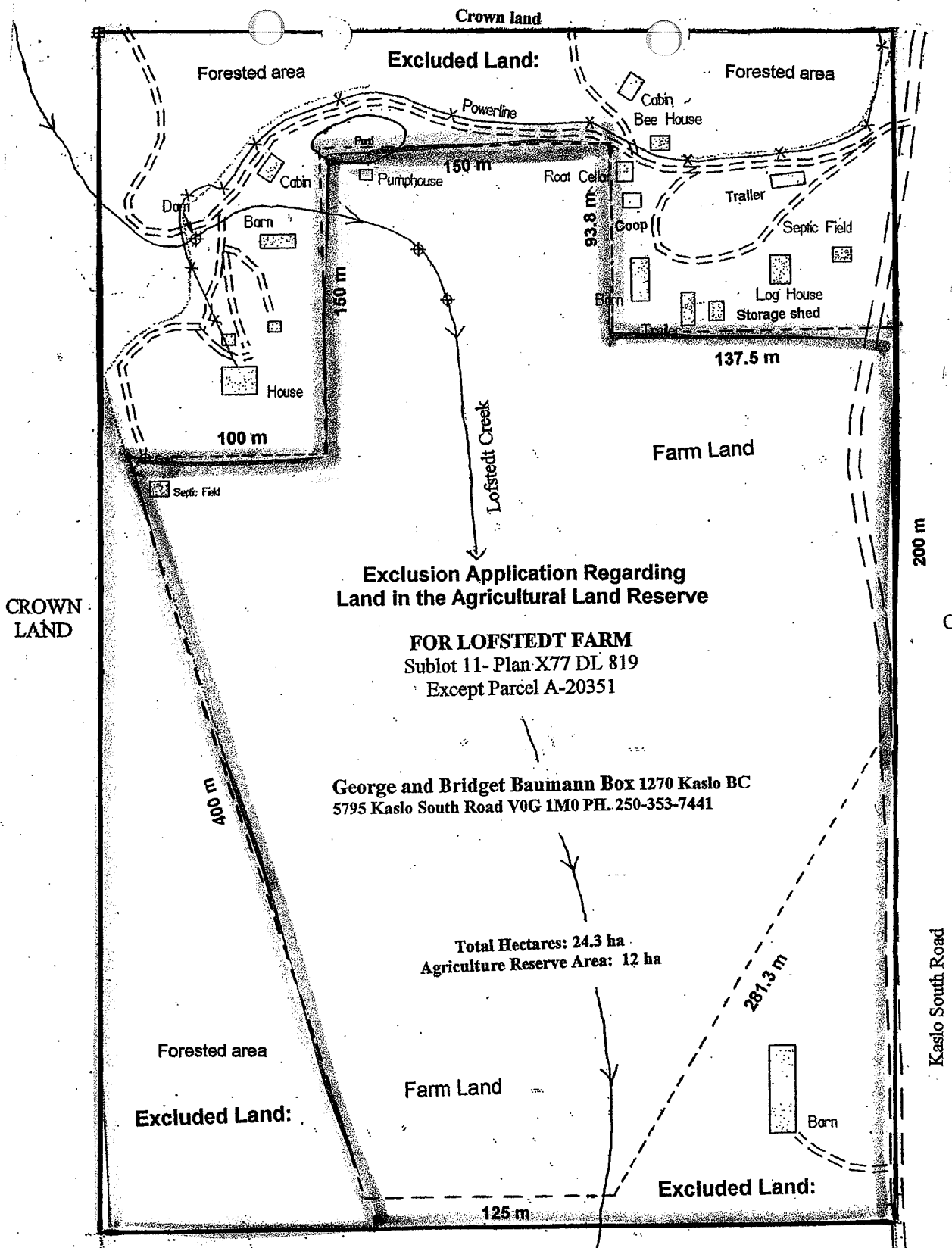
PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of Central Kootenay (#A0601D-351-000)

RW/lv/Encl.
36469d1



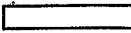
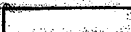
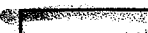
Exclusion Application Regarding Land in the Agricultural Land Reserve

FOR LOFSTEDT FARM
 Sublot 11- Plan X77 DL 819
 Except Parcel A-20351

George and Bridget Baumann Box 1270 Kaslo BC
 5795 Kaslo South Road V0G 1M0 PH. 250-353-7441

Total Hectares: 24.3 ha
 Agriculture Reserve Area: 12 ha

Provincial Agricultural Land Commission
 Application: F-36469
 Resolution #112/2006

-  Subject property.
-  Area approved for exclusion from the ALR
-  Location of "No-Build" covenant

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on 2 March 2006 in Cranbrook, B.C.

PRESENT: Monika Marshall Chair
 Cheryle Huscroft Commissioner
 Carmen Purdy Commissioner

STAFF: Ron Wallace, Regional Research Officer

For Consideration

Ron Wallace presented the staff report dated 15 February 2006 regarding application #F-36469, George & Bridget Baumann. The application is to exclude approximately 12 ha of land from the ALR on the periphery of the subject property. The land proposed for exclusion from the ALR has steep topography and stony soils that are not suitable for farming. The land proposed for exclusion would be utilized for a retirement lodge and other non-farm uses as required. The approximately 12 ha to remain in the ALR would continue its use as an organic farm.

Commission Discussion

The Commission noted that it met the applicants on 8 August 2005 at the subject property to discuss the current proposal to develop a retirement lodge facility on the non-arable portion of the property in addition to other non-farm uses while retaining the arable portion of the property for organic farming. The Commission recalled at the time that it instructed the owners to make an application for exclusion of that portion of the property not being farmed and proposed for the retirement lodge facility.

However, based on this previous meeting the Commission felt the southeast corner of the property, containing the barn, should remain in the ALR. At the time it was proposed that the excluded area of the property was to contain all the necessary buildings to support the farming enterprise. In light of this previous discussion the Commission refused exclusion from the ALR of the southeast portion of the property but did approve exclusion of the southwest and northern portion of the property from the ALR as proposed. This decision also requires the registering of a no build covenant on the ALR portion of the property for all structures.

IT WAS

MOVED BY: Commissioner C. Huscroft
SECONDED BY: Commissioner C. Purdy

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THAT the staff report be received and the application to exclude approximately 12 ha of land from the ALR on the periphery of the subject property be refused as proposed. However, the Commission approved the exclusion of the southwest and northern portions of the property from the ALR subject to the registering of a no build covenant on the remaining ALR portion of the property for all structures.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



Staff Report
Application # F – 36469
Applicant: George & Bridget Baumann

DATE PREPARED: February 15, 2006

TO: Chair and Commissioners – Kootenay Panel

FROM: Ron Wallace, Regional Research Officer

PROPOSAL: To exclude approximately 12 ha of land from the ALR on the periphery of the subject property. The land proposed for exclusion from the ALR has steep topography and stony soils that are not suitable for farming. The land proposed for exclusion would be utilized for a retirement lodge and other non-farm uses as required. The approximately 12 ha to remain in the ALR would continue its use as an organic farm.

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

There have been three previous applications involving this property over last 20 years (see below for details). On August 8, 2005 the Commission met the applicants at the subject property to discuss the current proposal to develop a retirement lodge facility on the non-arable portion of the property in addition to other non-farm uses while retaining the arable portion of the property for organic farming. At the time the Commission instructed the owners to make an application for exclusion of that portion of the property not being farmed and proposed for the retirement lodge facility.

Local Government:

Regional District of Central Kootenay

Legal Description of Property:

1. PID: 009-247-882
Sublot 11, District Lot 819, Kootenay District, Plan X77, EXCEPT Parcel A (Sketch Plan 20351A);

Purchase Date (m/d/y):

12/14/1987

Location of Property:

Kaslo, BC

Size of Property:

24.3 ha (The entire property is in the ALR).

Present use of the Property:

The arable portion of the property, 12 ha, has been intensively farmed for the last 20 years. There are currently two dwellings, one cabin, one trailer and a number of farm related buildings on the property.

Surrounding Land Uses:

WEST: Forestry on Crown land
SOUTH: Forestry on private land
EAST: Kaslo South Road, forestry on Crown land
NORTH: Forestry on Crown land

Agricultural Capability:

Data Source: Agricultural Capability Map # 82F/15
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

None

Zoning Bylaw and Designation:

None

PREVIOUS APPLICATIONS:**Application #30997-0**

Applicant: Baumann, George
Decision Date: January 22, 1997
Proposal: To develop a Waldorf School on the 27 ha property. In phase one, the existing log house would be used as a school for 10-15 children.

Phase 2 would require a new structure for grades Kindergarten to Grade 8 (no student numbers are proposed). The si
Decision: The Commission allowed the school because it would have almost no impact on the land base and was in an extremely remote location.

Application #19058-0

Applicant: Millar/Aldinger,
Decision Date: April 25, 1985
Proposal: To use the 27 ha property in conjunction with the adjoining 8 ha property as a farm co-operative. The non farm uses proposed are 10 homesites and a small sawmill.
Decision: Allow as requested because of the isolated nature of the small ALR block.

Application #19058-1

Applicant: Millar/Aldinger,
Decision Date: April 20, 1998
Proposal: Original proposal was for the construction of 10 dwellings to be built in support of a co-op vegetable farm. The request for reconsideration is for the creation of

Decision: lease lots around the 10 approved dwellings.
Allowed.

Application #33723-0

Applicant: Baumann, George & Bridget

Decision Date: July 31, 2001

Proposal: To subdivide 1.2 ha off the subject property to sell to the Van Allan family who have lived and worked on the farm for the past 10 years. The funds from the sale of this lot will enable the applicants to move out of the trailer and build a new house for their retirement on the farm.

Decision: Allow as proposed provided that decision to support the construction of 10 dwellings in support of a coop vegetable farm be rescinded.

Application #33723-1

Applicant: Baumann, George & Bridget

Decision Date: December 12, 2001

Proposal: The request is for the Commission to reconsider its decision to rescind previous decisions by Resolution #'s 284/85, 285/98 and 16/97 associated with three previous applications.

Decision: Commission dropped its requirement that its previous resolutions by #284/85, 285/98 and 16/97 be rescinded as a condition of approval for the creation of one (1) 1.2 ha lot.

Application #33723-2

Applicant: Baumann, George & Bridget

Decision Date: July 05, 2004

Proposal: To request reconsideration to create a "Retirement Ranch" on the property by the following procedure:

- 1) Creation of a "Not for Profit Society" to hold the title of the property.
- 2) Construction of a lodge for 10 participant share-holders on the non-arable part of the ALR.
- 3) Continue with the farm operations with the participation of the 10 above mentioned share holders.

Decision: Trailer allowed on temporary basis

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional Board

The application was referred to the Area Director. A Regional Board resolution may follow in due course.

Local Government Staff

No objections to the application.

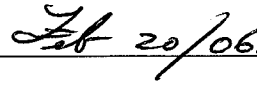
STAFF COMMENTS:

When the Commission toured the subject property in August 2005 it recommended that the owners forward a new application proposing exclusion of the portion of the property from the ALR that is not being actively farmed due to its steep topography and rocky soils. The land that is currently being farmed was felt to be arable and should remain in the ALR. However, the land peripheral to the arable portion of the property was felt to be unsuitable for agricultural development. Staff recommends support for the exclusion as proposed.

END OF REPORT

A handwritten signature in black ink, appearing to be 'M. M.', written over a horizontal line.

Signature

A handwritten date 'Feb 20/06.' in black ink, written over a horizontal line.

Date