



Agricultural Land Commission
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April 19, 2007

Reply to the attention of Terra Kaethler
ALC File: #L - 37006

Tom and Karen Braun
PO Box 29 - 5962 Wardner Road
Wardner, BC V0B 2J0

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 128/2007 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 (#P706-327)

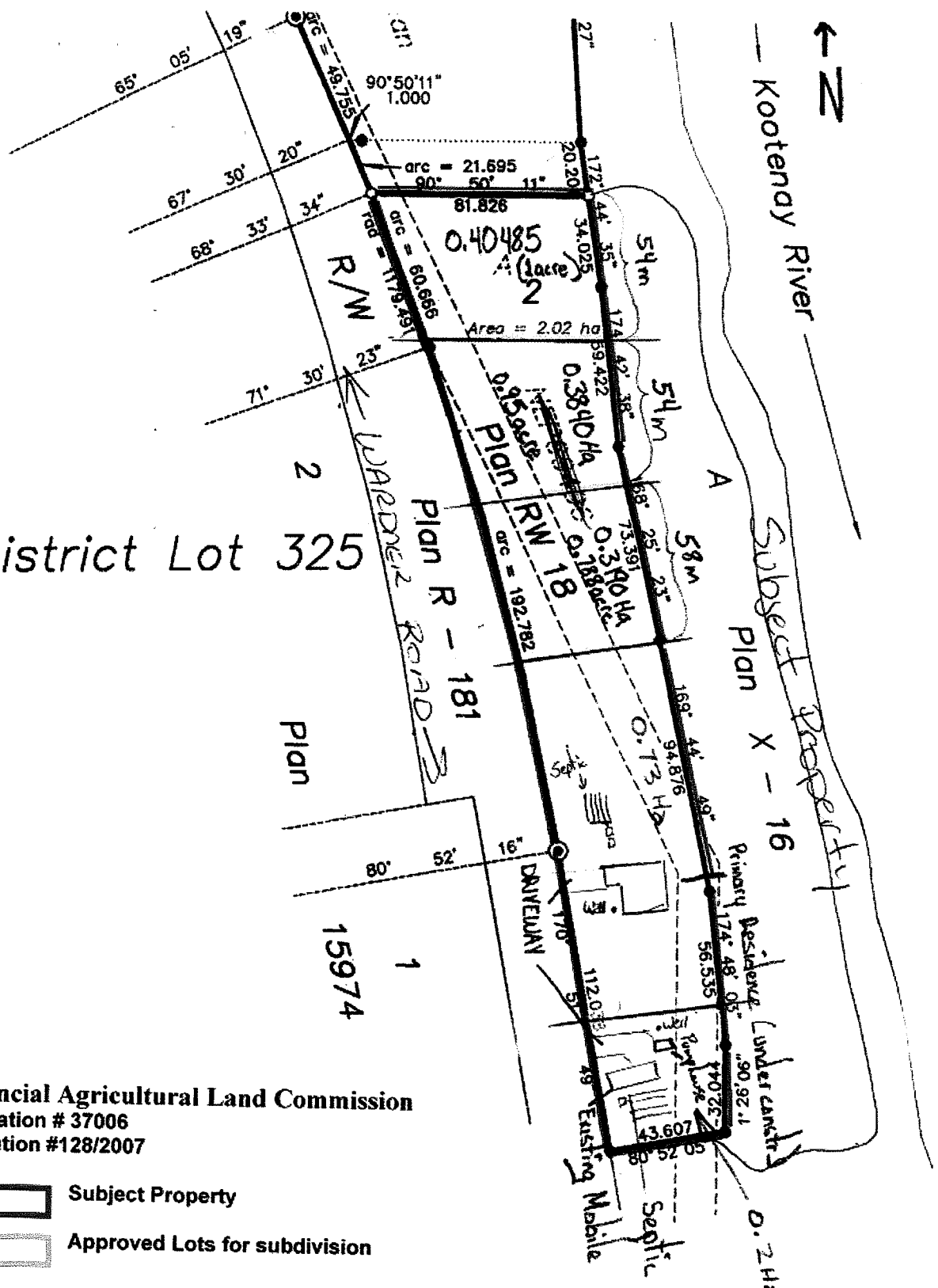
Enclosure: Minutes/Sketch Plan

TK/lv
37006d1

Scale = 1mm = 2m



Kootenay River





District Lot 325

Subject Property
Plan X - 16

Plan R - 181

15974

Provincial Agricultural Land Commission
Application # 37006
Resolution #128/2007

-  Subject Property
-  Approved Lots for subdivision

This plan lies within the
Regional District of East Kootenay



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 20, 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- 37006
Applicant: Tom and Karen Braun
Proposal: To subdivide the 2 ha property into two 0.4 ha lots, one 0.3 ha lot, one 0.2 ha lot and one 0.7 ha lot.
Legal: PID: 026-679-752
Location: Lot 2, District Lot 325, Kootenay District, Plan NEP81029
5962 Wardner Road, Wardner

Site Inspection

A site inspection was conducted on March 20, 2007. Those in attendance were:

- Tom and Karen Braun Applicant
- Monika Marshall Chair, Kootenay Panel
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Terra Kaethler Staff
- Roger Cheetham Staff

The Commission walked the property and discussed the proposal with the applicant. The Commission noted that the property was separated from the large parcels of ALR by the Kootenay River to the east and by Wardner Road to the West. The Commission recalled upon the site visit that the property was in close proximity to the small lot development of Wardner.

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 determined that the parcel had very limited agricultural capability given the small size of the property and the secondary soil capability ratings.

The Commission also recognized that the property is in close proximity to the residential community of Wardner and that the proposed lot size would be of similar lot size to the nearby development. Therefore, the Commission did not believe that the proposal would impact existing or potential agricultural use of 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 Purdy
SECONDED BY: Commissioner Marshall

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 # 128/2007