



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

August 9, 2007

Reply to the attention of Terra Kaethler
ALC File: L-37429, L-37428

District of Sparwood
PO Box 520, 136 Spruce Avenue
Sparwood, BC V0B 2G0

Dear Sir/Madam:

Re: Application to Exclude land from / Include land in the Agricultural Land Reserve

Please find attached the Minutes of Resolutions # 386/2007, #387/2007 outlining the Commission's decision as it relates to the above noted applications. As agent, it is your responsibility to notify your client(s) accordingly.

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. It will also confirm for the Registrar the area excluded from the ALR.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of East Kootenay

Enclosure: Minutes/Sketch Plan

TK/lv/37429d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on 13th July 2007 at the offices of the Integrated Land Management Bureau, Ministry of Agriculture and Lands, Cranbrook, B.C.

PRESENT:	Monika Marshall	Chair, Kootenay Panel
	Carmen Purdy	Commissioner
	D. Grant Griffin	Commissioner
	Terra Kaethler	Staff
	Roger Cheetham	Staff
	Darrell Smith	Resource Stewardship Agrologist, Ministry of Agriculture and Lands

For Consideration

Application: # L- 37429, L-37428
Applicant: Samuel and Sheryl Stephenson
Agent: District of Sparwood
Proposal: Joint Application: # L- 37429: To include the subject property to correct an encroachment and adjust the lot boundaries to accommodate a golf development. # L-37428: To subdivide and exclude the land south of Cummings Creek. This portion would be consolidated with Parcel A 1634-I.
Legal: 1. PID: 010-804-536
 Lot 1, DL 8525, KD Plan 7116
 2. PID: 018-039-499
 Lot A, DL 7781, KD Plan NEP20196
Location: 8555 Highway 43, Sparwood

Site Inspection

No site inspection was conducted.

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

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The agricultural capability of the soil of the subject properties is identified as Class 6 (non-improvable), with limitations of stoniness and topography. Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

Given the small size of the portion of the property to be excluded, and the low agricultural capability of the subject property, the Commission does not believe the proposal would impact existing or potential agricultural use of surrounding lands.

Further, the Commission does not believe that inclusion into the ALR is warranted given the low agricultural capability and the small size of the area proposed for inclusion into the ALR.

Conclusions

1. That the land under application has limited agricultural capability.
2. That the proposal will not impact agriculture.

IT WAS

MOVED BY: Commissioner Marshall

SECONDED BY: Commissioner Griffin

THAT the application # L-37428 to exclude a portion of the subject property (Lot 1, District Lot 8525, Kootenay District, Plan 7116) be approved;

THAT the application # L-37429 to include a portion of the subject property (Lot A, DL 7781 KD Plan NEP20196) be refused.

- the preparation of a subdivision plan to delineate the area to be excluded per the drawing 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 # 386/2007, Resolution # 387/2007