



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

Reply to the attention of Terra Kaethler
ALC File: L-37615

December 17, 2007

Brenden Anderson
Box 188
Jaffray, BC V0B1T0

Dear Sir:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 651/2007 outlining the Commission's decision as it relates to the above noted application. 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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written in a cursive style.

Erik Karlsen, Chair

cc: Regional District of East Kootenay (P-707-219)

Enclosure: Minutes/Sketch Plan

TK/37615d1.doc



A meeting was held by the Provincial Agricultural Land Commission on November 1, 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- 37615
Applicant: Vernon and Sharon Barr
Agent: Brenden Anderson
Proposal: To create a 0.2 ha panhandle access through the ALR to access a
 1.3 ha portion of the property that is located outside of the ALR.
Legal: PID: 016-418-077
 District Lot 6206, Kootenay District, EXCEPT 1) Parcel A
 (Explanatory Plan 20286I) and 2) Part included in Plans 2272, 2345,
 2465, 2756, 4905, 4981, 8789, 15618 and NEP69200
Location: 2218 Highway 3/93, Jaffray

Site Inspection

A site inspection was conducted on October 30, 2007. Those in attendance were:

- Monika Marshall Chair, Kootenay Panel
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Terra Kaethler Staff
- Darrell Smith Agrologist, Ministry of Agriculture and Lands
- Brenden Anderson Agent (son-in-law of applicant)
- Kristi Anderson Agent (daughter of applicant)

The Commission met with the agents and viewed the area under proposal. The Commission noted that the applicant wished to subdivide along the ALR boundary to create a 1.3 ha parcel outside of the ALR. However, access is needed through the ALR portion of the property. Upon the site visit, the Commission observed that the ALR area of the proposed access road was already being used as a driveway and as part of the neighbouring church grounds.

The agents confirmed that the staff report dated August 15, 2007 was received and no errors were identified.

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 assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission recognized that the applicant can legally subdivide along the ALR boundary without coming to the Commission, but that the Commission's approval is needed to access the non- ALR area. The proposed access to the non-ALR portion of the property is currently used as an access road and is adjacent to a property that is partially within the ALR, but being used as church grounds. The Commission believed that the subdivision and subsequent panhandle access through the ALR was the best solution to the lot configuration and to provide access to the non-ALR portion of the property. As such, the Commission did not believe the proposal would impact existing or potential agricultural use of surrounding lands.

Conclusions

1. That the proposal will not impact agriculture.

IT WAS

MOVED BY: Commissioner Marshall

SECONDED BY: Commissioner Purdy

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 # 651/2007

Provincial Agricultural Land Commission
Application # 37615
Resolution #651/2007



Subject Property

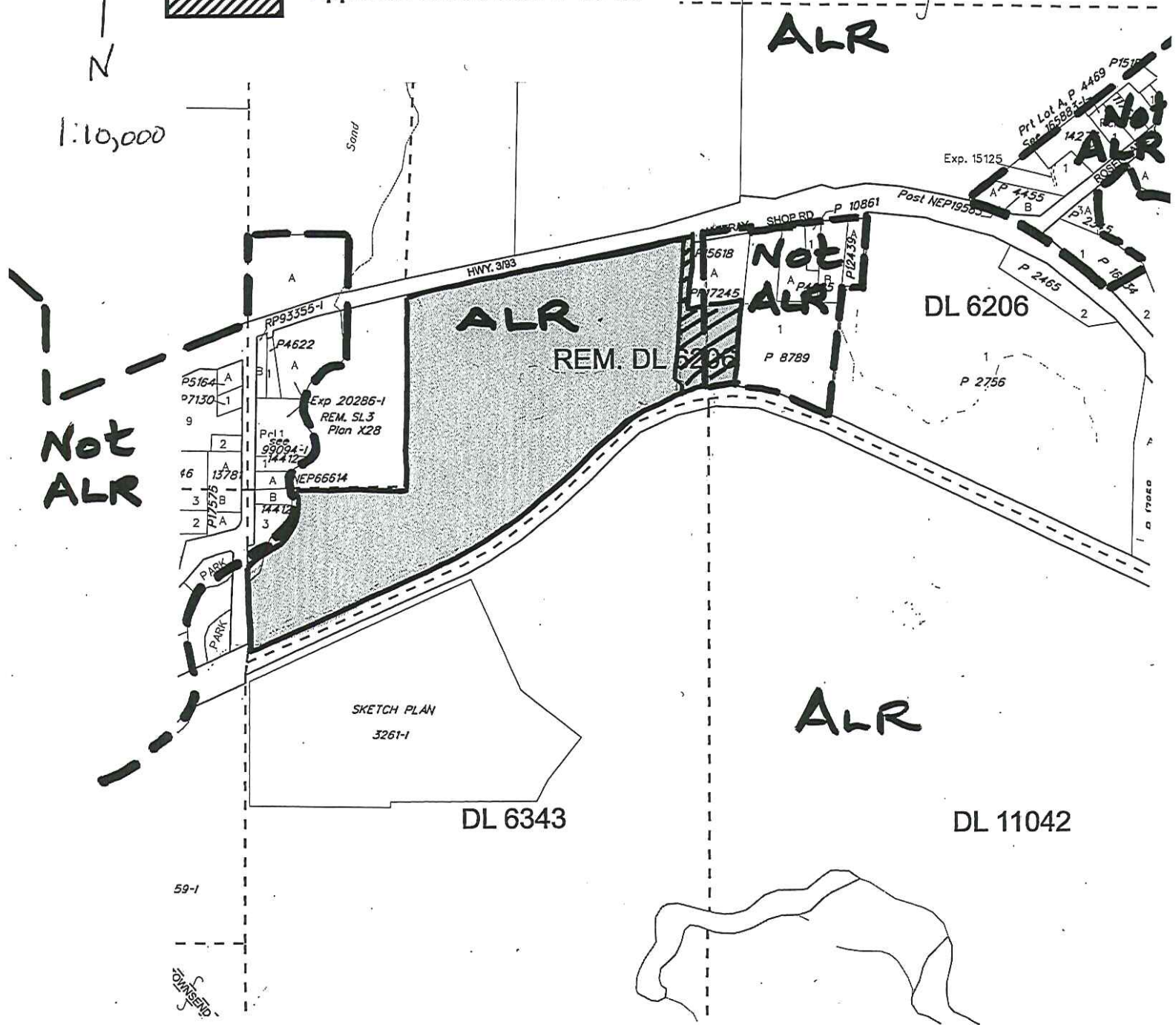


Approved Subdivision of 1.3 ha



1:10,000

m.p



Subject Property &
ALR Boundaries