



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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Reply to the attention of Terra Kaethler  
ALC File: F-37655

December 13, 2007

Richard and Claudia Koch  
9468 Maraq Heights Road  
Swan Sea Point, BC V0E 2K2

Dear Sir/Madam:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 649/2007 outlining the Commission's decision as it relates to the above noted application.

By way of a copy of this letter, the Commission is advising the Registrar of Land Titles of its order and confirming that the ALR notation is to be removed from Certificate of Title KV143236.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a white background.

Erik Karlsen, Chair

cc: Regional District of Central Kootenay (A0720K-02323-000)

Enclosure: Minutes/Sketch Plan

TK/37655d1.



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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A meeting was held by the Provincial Agricultural Land Commission on November 1, 2007 in Cranbrook, B.C.

<b>PRESENT:</b>	Monika Marshall	Chair, Kootenay Panel
	Carmen Purdy	Commissioner
	D. Grant Griffin	Commissioner
	Terra Kaethler	Staff
	Roger Cheetham	Staff

### For Consideration

Application: # F- 37655  
Applicant: Richard and Claudia Koch  
Proposal: To exclude the ALR portion of the subject property (approximately 4.0 ha)  
Legal: PID: 012-052-663  
Lot 1, District Lot 7604, Kootenay District, Plan 918  
Location: 9468 Mara Heights Road, Swan Sea Point

### 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

Although the soil capability of the ALR area is identified as improvable to Class 3, the non-ALR portion of the property which divides the property is identified as Class 6 and Class 7. The area within the ALR is small and comprised of two distinct areas, one at each end of the property. There is also limited access to the property.

The Commissioners reviewed the exclusion of the property adjacent to the North in 2006, and found that it was "cut-up" by very steep topography and therefore unsuitable for agricultural use. The subject property appears to have similar challenges. Further, the Commission reviewed this area South of Fauquier in September 2007 and determined that the area had minimal potential for agriculture.

Therefore, the Commission believes the property has limited capability and suitability for agriculture and as such does not believe that the proposal would impact existing or potential agricultural use of the subject property or surrounding lands.

**Conclusions**

1. That the land under application has limited agricultural capability.
2. That the land under application is not suitable for agricultural use.
3. That the proposal will not impact agriculture.

**IT WAS**

**MOVED BY:** Commissioner Marshall

**SECONDED BY:** Commissioner Purdy

THAT the application be approved.

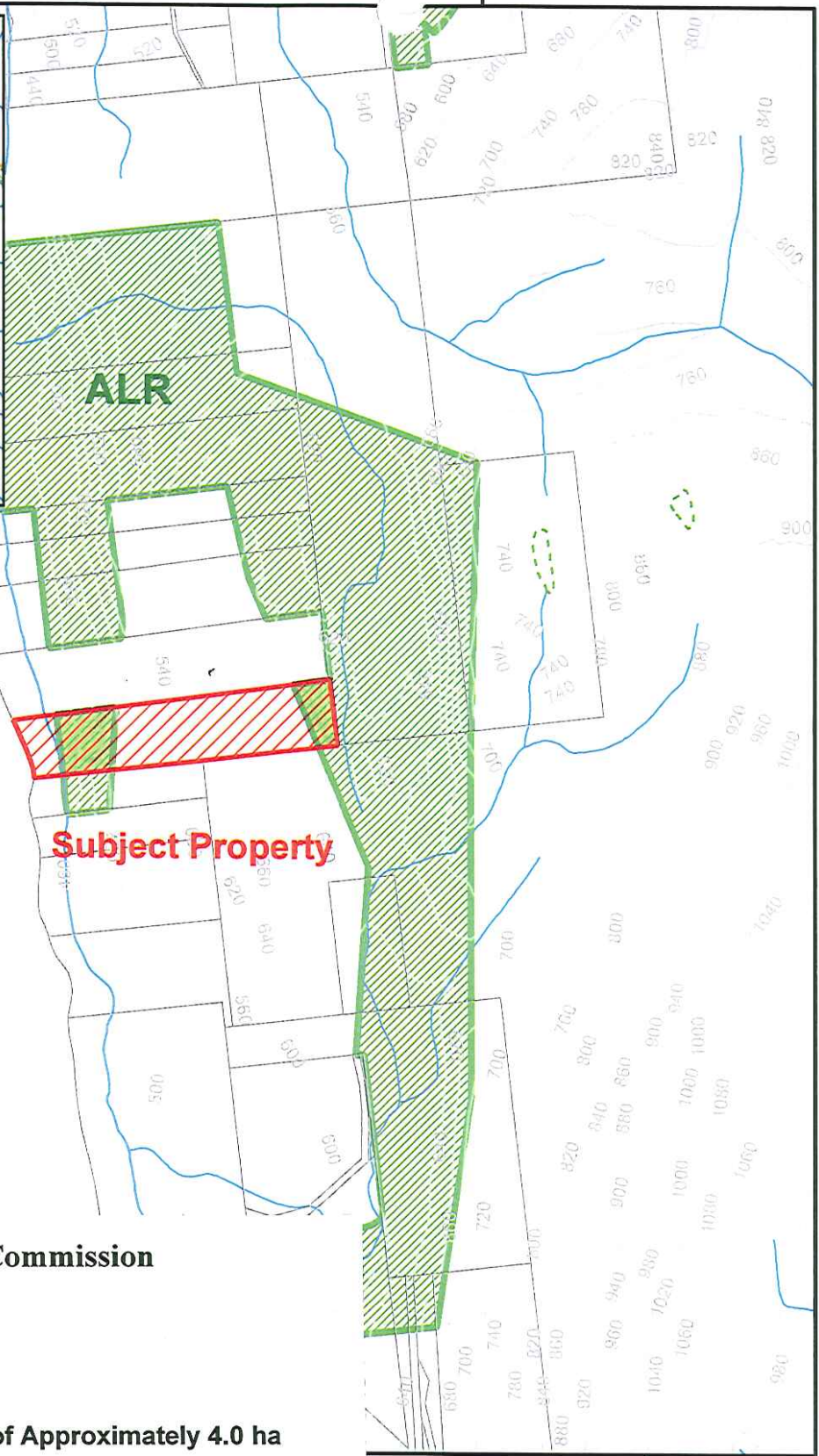
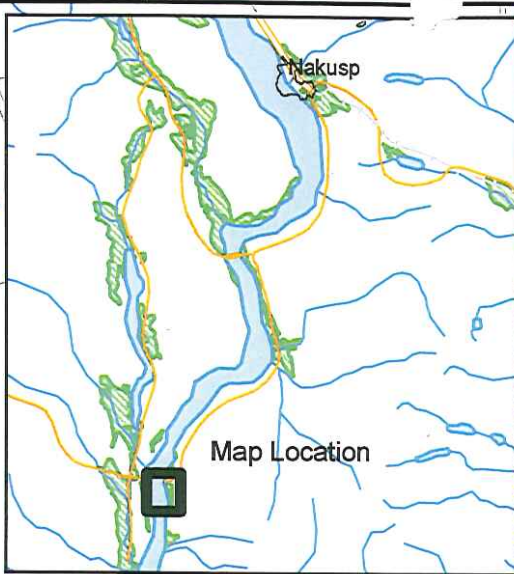
This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

**CARRIED**

**Resolution # 649/2007**

118°6'0"W

118°4'0"W



49°50'0"N

**Provincial Agricultural Land Commission**  
**Application # 37655**  
**Resolution #649/2007**



**Subject Property**



**Approved Exclusion of Approximately 4.0 ha**

118°4'0"W

ALC File #: 02-2007-37655

Mapsheet #: 82E.090

Map Produced: Sept. 28, 2007

Regional District: Central Kootenay

**ALC Context Map**

Map Scale: 1:20,000

