



Agricultural Land Commission
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May 15, 2008

Reply to the attention of Jennifer Carson
ALC File: L-37733

Kathy & Dave Broadfoot
Box 442
Invermere, BC V0A1K0

Dear Mr. Broadfoot:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 250/2008 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

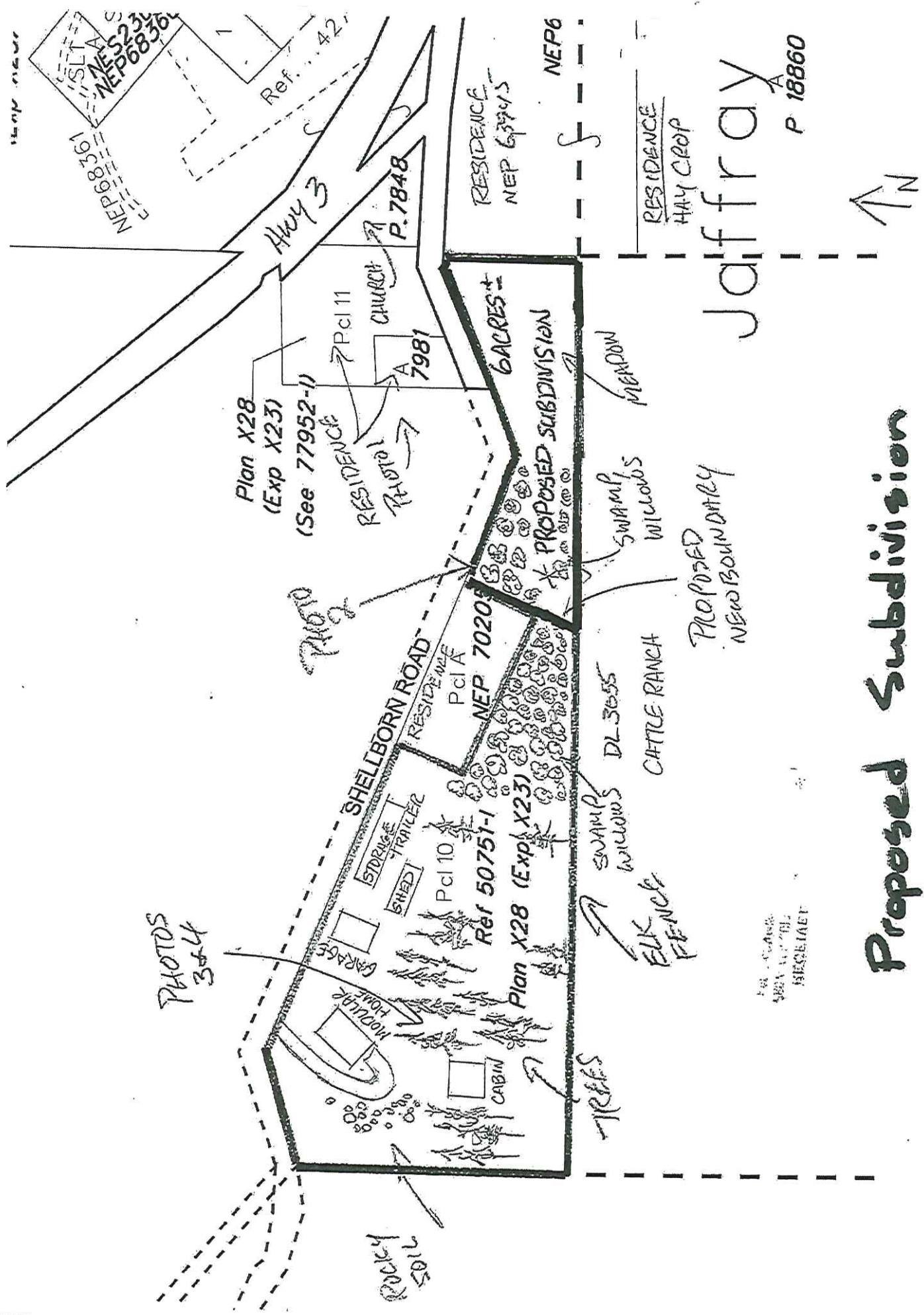
Per: 

Erik Karlsen, Chair

cc: Regional District of East Kootenay (P707-546)

Enclosure: Minutes/Sketch Plan

JC/37733d1



Jaffray

P 18860

Proposed Subdivision

FOR OFFICIAL
RECORD

PHOTOS
3 of 4

PHOTO
2 of 4

PHOTO

NEP 682791
NEP 68233
NEP 68336

Ref. 42

Plan X28
(Exp X23)
(See 77952-1)

Pci 11

CHURCH

7981

SHELLBORN ROAD

RESIDENCE
Pci A

NEP 70205

Pci 10

Ref 50751-1

Plan X28 (Exp X23)

GARAGE

STORAGE TRAILER

SHED

MOBILE HOME

CABIN

6 ACRES ±

PROPOSED SUBDIVISION

MENDON

SWAMPS WILLOWS

PROPOSED NEW BOUNDARY

SWAMP WILLOWS

CATTLE RANCH

ELK FENCE

TREES

RESIDENCE
NEP 63945

NEP 6

RESIDENCE
HAY CROP





MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 6, 2008 in Invermere, B.C.

PRESENT: Monika Marshall Chair, Kootenay Panel
 Carmen Purdy Commissioner
 D. Grant Griffin Commissioner
 Jennifer Carson Staff

For Consideration

Application: # L- 37733
Applicant: Kathy & Dave Broadfoot
Proposal: To subdivide the 0.9 ha property to create two lots of approximately
 0.45 ha each for residential purposes.
Legal: PID: 010-463-968
 Lot 1, District Lot 347, Kootenay District, Plan 13977
Location: 4206 Coy Road

Site Inspection

A site inspection was conducted on May 6, 2008. Those in attendance were:

- Monika Marshall Chair, Kootenay Panel
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Jennifer Carson Staff
- Darrell Smith Regional Agrologist. Ministry of Agriculture and Lands
- Dave Broadfoot Applicant

The Commission met with Mr. Broadfoot to discuss the application and view the subject property. Mr. Broadfoot explained that he bought the property from his uncle, and due to personal health issues he would like to sell a portion of the property as a separate parcel in order to be able to remain living in his home. The property has a well for residential use, however, not for irrigation.

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

Assessment of Agricultural Capability

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The improved agricultural capability ratings of the soil of the subject property are:

Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

Subclasses.

M soil moisture deficiency P stoniness

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission noted that the property has enough water for residential purposes only and that irrigation is not possible. Furthermore, the Commission noted that the proposed parcel itself is physically separated from other properties by the Westside Road and Coy Road. The Commission does not believe the proposal would adversely impact existing or potential agricultural use of surrounding lands.

Assessment of Other Factors

The Commission received confirmation from Mr. Broadfoot that he had contacted the local Health Inspector, and asked if there was a rule about installing a septic system on less than two acres of land. He was advised that subdivision would not be prohibited as long as the percolation test requirements are met there is nothing in his by-laws about lot size.

Conclusion

That the proposal will not adversely impact agriculture.

IT WAS

MOVED BY: Commissioner Griffin

SECONDED BY: Commissioner Purdy

THAT the application be allowed.

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 # 250/2008