



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

October 20, 2008

Reply to the attention of Jennifer Carson
ALC File: L-38377

Helmut and Elaine Klima
PO Box 145 - 7812 Jaffray-Baynes Lake Road
Jaffray, BC V0B1T0

Dear Mr. and Mrs. Klima:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 627/2008 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

Enclosure: Minutes/Sketch Plan

cc: Al Williams, Box 1971, Fernie B.C. V0B 1M0
Regional District of East Kootenay (P-708-216)

JC/
i/38377d1



A meeting was held by the Provincial Agricultural Land Commission on September 29, 2008 in Cranbrook, B.C.

PRESENT:	Roger Mayer	Commissioner
	Carmen Purdy	Commissioner
	D. Grant Griffin	Commissioner
	Jennifer Carson	Staff

For Consideration

Application: # L- 38377
 Applicant: Helmut and Elaine Klima
 Proposal: Boundary adjustment: To realign the boundaries of a 1.7 ha property and 0.8 ha property to create a 1.0 ha parcel and a 1.5 ha parcel.
 Legal: 1. PID: 010-297-308
 Lot B, District Lot 8541, Kootenay District, Plan 2159, Except Part included in Plan 6204
 2. PID: 008-569-941
 Lot 1, District Lot 8541, Reference Plan 6204
 Location: 7812 Jaffray-Baynes Lake Road, Jaffray

Site Inspection

A site inspection was conducted on September 29, 2008. Those in attendance were:

- Roger Mayer Commissioner
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Jennifer Carson Staff
- Darrell Smith District Agrologist with Ministry of Agriculture and Lands
- Elaine Klima Applicant

The Commission met with the applicant, Mrs. Klima on the subject property to discuss the application. Mrs. Klima showed the Commission where the new subdivision line would be and explained that her neighbour was interested in purchasing this portion of the property and consolidating it with his own property in order to maintain the privacy he currently has for his house. Mrs. Klima explained that at one time this portion of the property was hayed and could be again in the future.

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 agricultural capability of the soil of the subject properties are improvable to

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Subclasses

M	soil moisture deficiency	X	cumulative and minor adverse
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Assessment of Agricultural Suitability

The Commission assessed whether external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external factors that render the land unsuitable for agricultural use.

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 notes that no new parcels will be created and the proposed new property boundary will not have an impact on the agricultural potential on the property in the future. However, creating this new boundary adjustment is not to be misconstrued as support for further subdivision in the future. The Commission believes the proposal would impact existing or potential agricultural use of surrounding lands.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. 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.

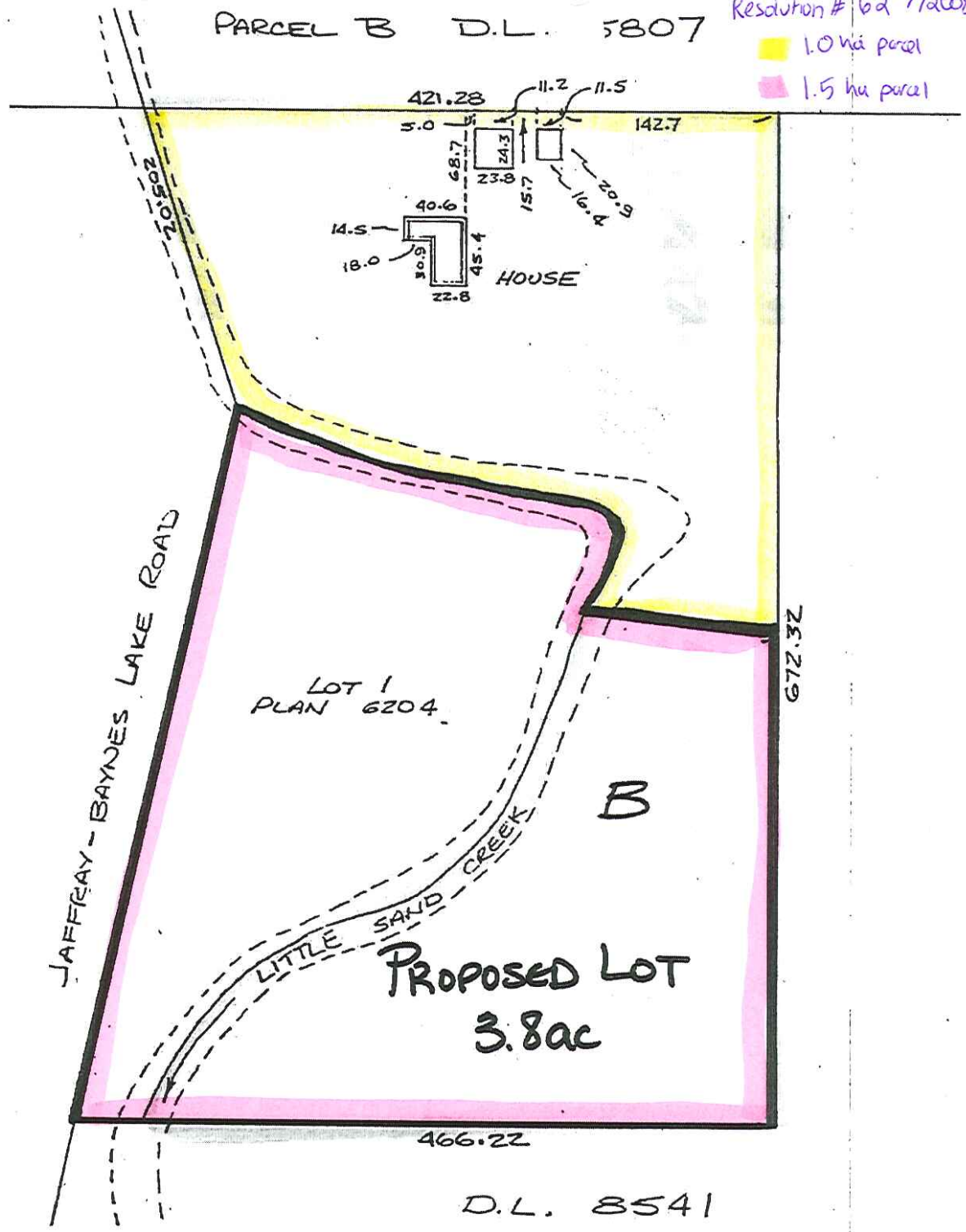
CARRIED

Resolution # 627/2008

ALC Approved Boundary Adjustment
Resolution # 627/2008

PARCEL B D.L. 5807

1.0 ha parcel
1.5 ha parcel



RELLA-DOCKING 444-1

This plan is for the protection of the mortgagee only and is not to be used for the location of property boundaries.

SHARPE AND EKMAN,
B.C. LAND SURVEYORS,
CRAWBROOK, B.C.

CERTIFIED CORRECT

Keith W. Ekman

B.C. LAND SURVEYOR.

AUGUST.19.81. 81-A-250