



Agricultural Land Commission
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www.alc.gov.bc.ca

June 24th, 2009

Reply to the attention of Brandy Ridout
ALC File: L-37121

Willam Tanner, c/o
Marcer Ranching Ltd
RR1
Elko, BC
V0B1J0

Dear Sir:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 213/2009 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 decision to exclude the land and confirming that the ALR notation is to be removed from the Certificate of Title of Lot 2, DL 10348, Kootenay District, Plan 8226.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: Regional District of East Kootenay (P-705-220)
BC Land Title & Survey, Kamloops
BC Assessment, Cranbrook

MC/37121d3



A meeting was held by the Provincial Agricultural Land Commission on May 26, 2009 at Invermere, B.C.

PRESENT:	Barry Minor	Chair, Kootenay Panel
	Carmen Purdy	Commissioner
	Jerry Thibeault	Commissioner
	Martin Collins	Staff

For Consideration

Application: # L- 37121
 Applicant: Marcer Ranching Ltd
 Proposal: To release the condition to register covenant prohibiting ATV and Motocross bikes from the property (as per Resolutions # 366/2007 and #150/2008).
 Legal: PID: 013-359-517
 Location: Lot 2, District Lot 10348, Kootenay District, Plan 8226
 9790 Marcer Road, Lake Koocanusa

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 considered what persons were affected by the reconsideration.

The Commission concurred with the rationale provided in the May 20, 2009 letter by William Tanner that it was not possible to prohibit the use of Motocross bikes and ATV's on public roads. It is satisfied that;

- home owner bylaws prohibiting the use of off road vehicles within the development, and with
- the commitment by Marcer Ranching Ltd. to educate and encourage residents to properly use off road vehicles on crown land,

will limit the potential negative impacts on ranching and grazing by off road vehicle uses anticipated with the introduction of additional, non farm residents into this farm area

IT WAS

MOVED BY: Commissioner C. Purdy
SECONDED BY: Commissioner B. Minor

THAT there were no persons affected by the reconsideration;

AND THAT the request to eliminate the condition of exclusion approval associated with Resolutions # 366/2007 and #150/2008 regarding the necessity of registering a covenant against the title of the excluded property (Lot 2) prohibiting motocross bikes and ATV's, be allowed subject to the home owners' bylaws prohibiting all off road vehicles from the property.

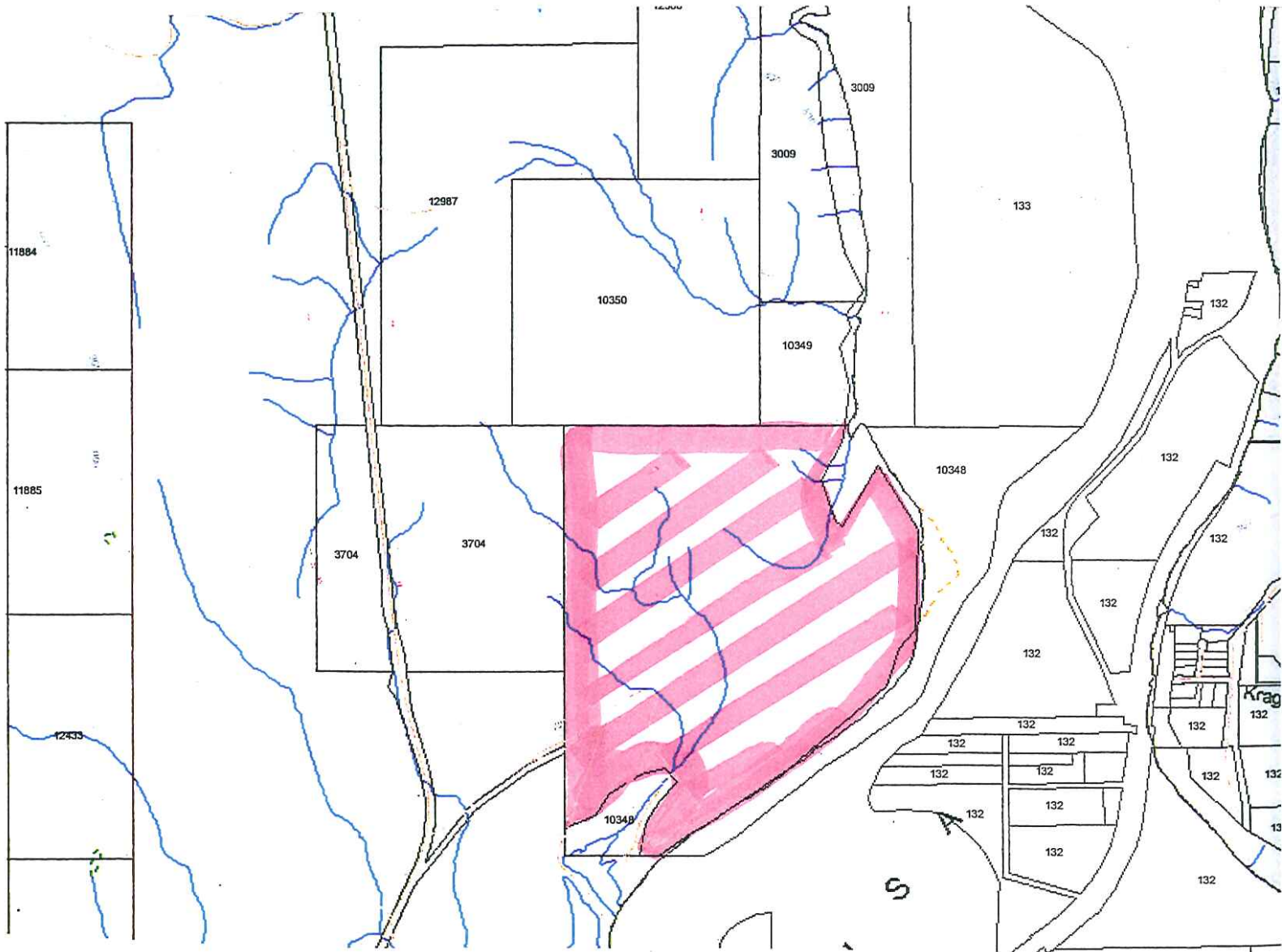
In the light of the commitment contained in the reconsideration request dated 20th May 2009 relating to the prohibition all off road vehicles from the property the Commission considers all of the conditions specified by Resolutions #366/2007 and #150/2008 as having been met, and therefore assents to the exclusion of Lot 2 from the ALR.

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 # 213/2009

ALC File L – 37121 - Exclusion of land from ALR

Marcer Ranching Ltd.: Lot 2, DL 10348, Kootenay District, Plan 8226



Area Excluded from ALR in terms of Resolution Numbers
366/2007, 150/2008 and 213/2009

