



Agricultural Land Commission
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February 12, 2009

Reply to the attention of Jennifer Carson
ALC File: L-38730

Goat Holdings Ltd. Inc. No. BC0821265
836 17A Street South
Cranbrook, BC V1C6M2

Dear Mr. Thompson:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 23/2009 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. It will also confirm for the Registrar the area excluded from the ALR.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: Regional District of East Kootenay (708 338)

JC/
i/38730d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on February 10, 2009.

PRESENT: Roger Mayer Commissioner
 Erik Karlsen Commissioner
 Jennifer Carson Staff

For Consideration

Application: # L- 38730
Applicant: Goat Holdings Ltd. Inc. No. BC0821265
Proposal: To exclude 1.9 ha and 5.3 ha respectively from the 21.1 ha and 24.4
 ha properties. This area will make up the areas proposed for
 subdivision, road dedication and for an existing public road.
Legal: 1. PID: 007-464-789
 Fractional North Half of the Fractional West Half of District Lot
 7794 Kootenay District
 2. PID: 016-443-373
 The South Half of the West Half of District Lot 7794, Kootenay
 District
Location: Jimsmith Lake, Cranbrook

Site Inspection

No site inspection was conducted.

Exclusion Meeting

The applicant waived his right to the required notice and the requirement to have a meeting with the Commission with respect to the application

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 reviewed all the available information and photographs submitted by the applicant, local government and members of the public. Specifically, the Commission reviewed the letter submitted by the Jimsmith Lake Community Association, and did not find that the issues raised were agricultural in nature. The

Commission also discussed the background of the application made necessary by a minor misinterpretation of the location of the ALR boundary when the subdivision was first being proposed to the local government. Furthermore, the Commission spoke about the relative isolation of the piece of ALR in which these properties are situated. The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land and does not believe that the majority of the proposal would impact existing or potential agricultural use of surrounding lands. However, the Commission discussed the proposed road dedication and indicated that it was not interested in excluding the portion of the property proposed for access to Jimsmith Lake nor in allowing a road dedication as it would create a discontinuity in the ALR and potentially lead to requests for subdivision in the future. Lastly, the Commission discussed that it would be beneficial for the remainder portions of the two subject properties remaining within the ALR to be consolidated into one parcel.

Conclusion

That the proposal will not impact agriculture as long as the proposed road dedication to Jimsmith Lake does not occur and that the remaining portions of the properties within the ALR will be consolidated into one parcel.

IT WAS

MOVED BY: Commissioner Karlsen

SECONDED BY: Commissioner Mayer

THAT the application be refused as proposed. However, the exclusion of the existing road, the area south of this road and the portion of the properties to be subdivided be allowed.

AND THAT this approval is subject to the following conditions:

- the preparation of a subdivision plan to delineate the area to be excluded per the drawing submitted with the application not including the area proposed for the road dedication.
- the portions of the subject properties remaining within the ALR are consolidated into one parcel.

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

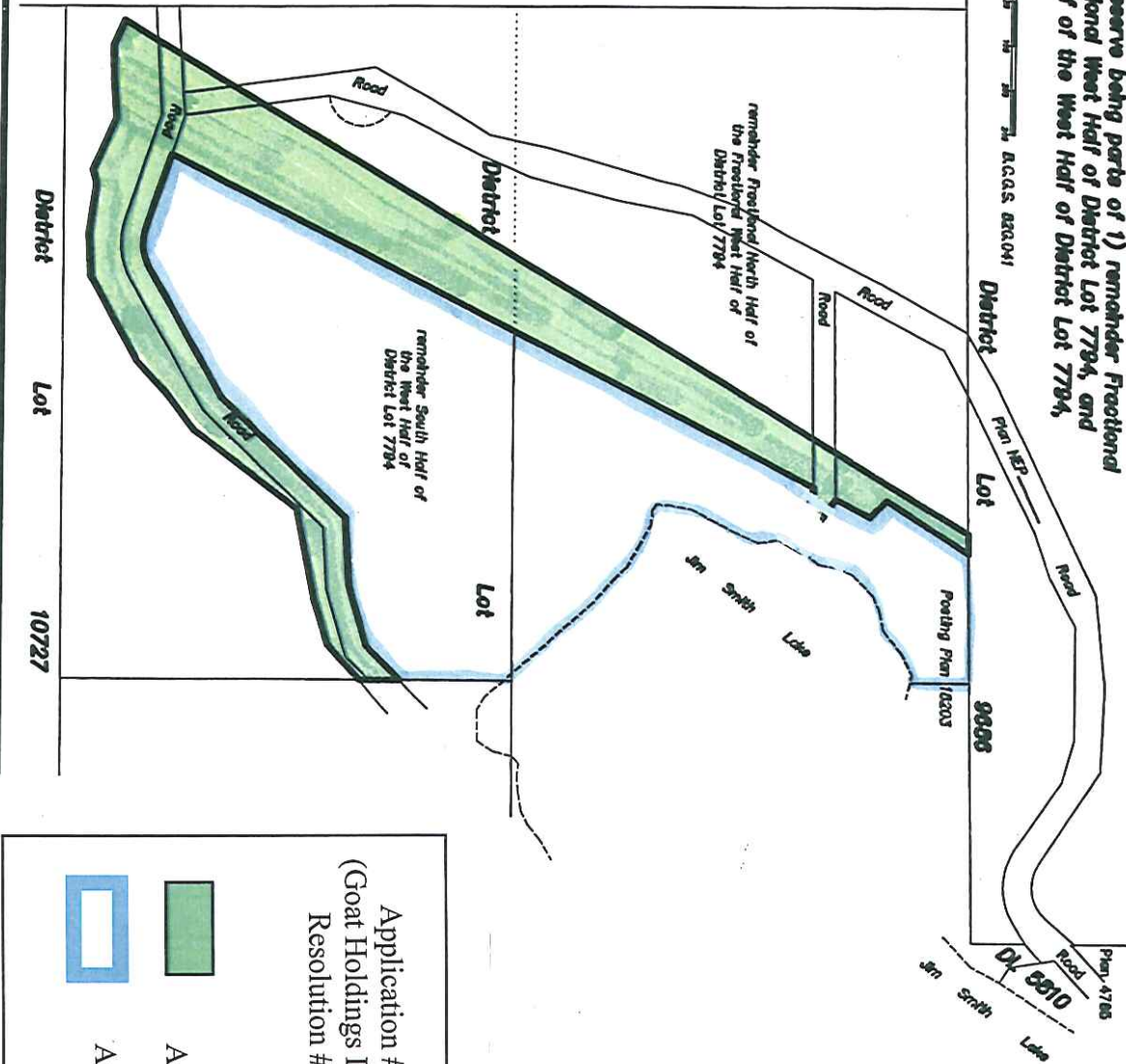
Resolution # 23/2009

Sketch Plan showing lands under application to be removed from the Agricultural Land Reserve being parts of 1) remainder Fractional North Half of the Fractional West Half of District Lot 7794, and 2) remainder South Half of the West Half of District Lot 7794, Kootenay District.

Scale 1:2000
Legend
S 0 5 10 15 20 25 30 35 40 45 50 55 60 65 70 75 80 85 90 95 100
M. R.C.O.S. 820041



Unsurveyed Crown Land



Application # L-38730
(Goat Holdings Ltd. Inc. No. BC0821265
Resolution #23/2009

LEGEND



Area approved for exclusion



Area to be consolidated into one parcel

PREPARED BY
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