



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
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February 9, 2012

Reply to the attention of Lily Ford
ALC File 52524

Peter Mulyk
Mulyk Consulting Inc.
600 – 1414 Eighth Street SW
Calgary, AB
T2R 1J6

Dear Mr. Mulyk:

Re: Application for a Non-Farm Use (Transportation/Utility Corridor) in the Agricultural Land Reserve

Please find attached Minutes of Resolution # 25/2012 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:


Richard Bullock, Chair

Enclosure: Minutes

cc: Regional District of East Kootenay

LF/52524d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on February 9, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, BC.

FOR CONSIDERATION

Application:

[Submitted pursuant to Section 6 of BC Regulation #171/2002 (ALR Use, Subdivision and Procedure Regulation)]

Application: 52524
Applicant: Bella Vista Properties Ltd.
Agent: Peter Mulyk
Proposal: Request to construct an approximately 300 m long, 20 m wide access road. The approximate area of disturbance within the ALR is 0.6 ha. The applicant also proposes to deactivate an approximately 0.41 ha area of existing road.
Legal: Sublot 30 District Lot 4596 Kootenay District Plan X32 Except Parcel A (See Plan 1532), Part Pink on Plan 1203, Those 5 Severed Portions Lying Between the Right of Way and the Waters of the Upper Columbia Lake Shown on Plan 1203, Part Plans 2410, 2991, 2929, 4117, 15213, NEP21395, NEP63446, NEP80090 and NEP84672
Location: Approximately 10 km south of Fairmont Hot Springs, East Kootenay region
Background: The purpose of the proposal is to provide access to a property located immediately north of the subject parcel and outside of the ALR. The proposed road entrance is located on the west side of Highway 93/93, opposite a recently constructed intersection. The proposed location is preferable from a public safety perspective to the existing road access, which is located approximately 150 m to the north. The agricultural capability ratings for the subject parcel are 6:6PT-3:5TP-1:4T.
Attachment: Resolution #016N/2011

DELEGATION OF DECISION-MAKING TO THE CHIEF EXECUTIVE OFFICER (CEO)

On June 27, 2011 the Commission delegated decision-making to the CEO by Resolution #016N-2011 (File: 135-45/ALC/CEO/APPL). In accordance with section 27 of the *Agricultural Land Commission Act* the Commission has specified that the following applications may be decided by the CEO.

Criterion 4

Non-farm use applications made pursuant to section 6 of BC Regulation #171/2002 (ALR Use, Subdivision and Procedure Regulation);


DECISION:

After reviewing the entire file material, I, Richard Bullock, Chief Executive Officer of the Commission, am satisfied that the proposal is consistent with Criterion # 4 of Resolution #016N/2011 and approve the application on behalf of the Commission.

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.

RESOLUTION # 25/2012

I CERTIFY THAT THIS IS A TRUE RECORD OF THE DECISION



Richard Bullock, Chief Executive Officer