



Agricultural Land Commission
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November 5, 2009

Reply to the attention of Martin Collins
ALC File: 50788

Mark Himmelspach
2528 Charlebois Drive NW
Calgary Alberta
T2L 0T6

Dear Sir:

Re: Application to Subdivide within the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 1285/2009 and a sketch plan outlining the Commission's decision as it relates to the above noted application.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Martin Collins', written over a white background.

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: Regional District of East Kootenay (P 709 527)

MC/I/50788d1



A meeting was held by the Provincial Agricultural Land Commission on Tuesday November 3, 2009 at Cranbrook, B.C.

PRESENT:	Barry Minor	Chair, Kootenay Panel
	Carmen Purdy	Commissioner
	Jerry Thibeault	Commissioner
	Erik Karlsen	Chair
	Roger Cheetham	ALC Staff

For Consideration

Application: 50788
Applicant: Mark Himmelspach
Proposal: To subdivide the 8.6 ha property into two lots of roughly equal size for a building lot for the applicant’s father.
Legal: PID 018-550-444 Lot 6, DL 4596, KD, Plan NEP20959
Location: Windermere

Site Inspection

No site inspection was conducted.

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 and Suitability

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.

The unimproved agricultural capability of the soil of the subject property is complex;

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

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

The limiting subclasses are topography and stoniness. There is limited capacity to substantively improve the soils.

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 believes the proposal would not affect the existing or potential agricultural use of surrounding lands because there is little, if any agricultural activity occurring in the area.

Conclusions

1. That the land under application has very limited agricultural capability and is unsuitable for agricultural uses.
2. That the subdivision proposal will not impact agriculture.

IT WAS

MOVED BY: Commissioner C. Purdy

SECONDED BY: Commissioner B. Minor

THAT the application to subdivide the 8.6 ha property into two lots of roughly equal size be allowed.

And that the decision be subject to the following condition.

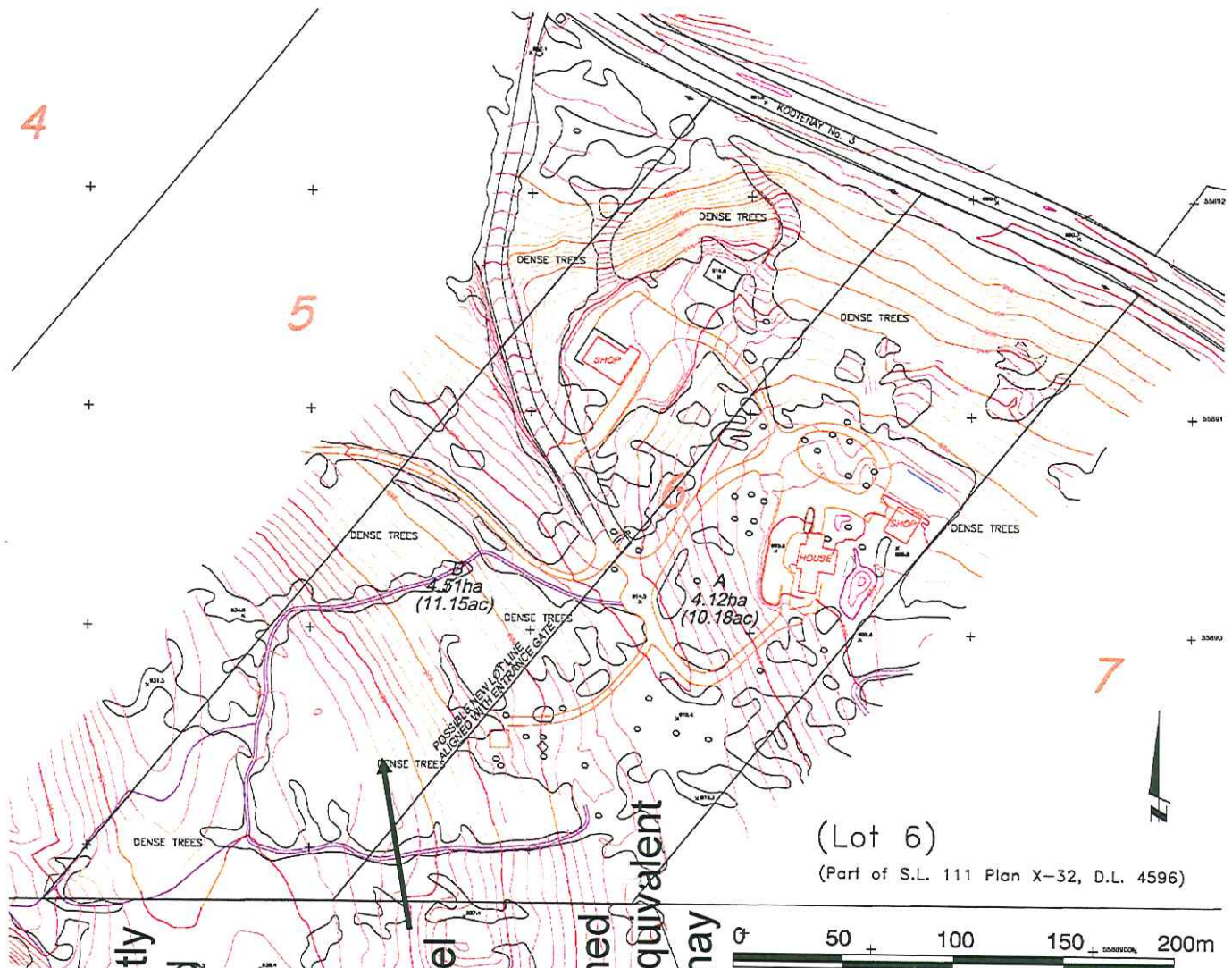
- the subdivision must be completed within three (3) years from the date of this decision.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED

Resolution # 1285/2009

1 Meter Topography of Lot 6 DL 4596 and Proposed Subdivided Lots



- 21.33 Acres in Lot 6 Presently
- Proposed Subdivision would create 2 sublots:
 - * 11.15 acres; and
 - * 10.18 acres
- Peter Himmelsbach would purchase the 11.15 acre parcel with the shop.
- Lot configuration was designed to create two approximately equivalent sized lots fronting onto Kootenay Road #3.

(Lot 6)
(Part of S.L. 111 Plan X-32, D.L. 4596)



Note: This is not a legal plan.
Lot lines are approximate only.

ALC APPLICATION
50788
RESOLUTION
1285/2009