



Agricultural Land Commission
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April 6, 2010

Reply to the attention of Martin Collins
ALC File: 51151

Kim Hyllestad
5377 Highway #93/95
Fairmont Hot Springs,
B.C. V0B 1L1

Dear Sir:

Re: Application to Subdivide within the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 2326/2010 and a sketch plan 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.

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 'Erik Karlsen', written over a white background.

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: Regional District of East Kootenay File: P 709- 639

MC/51151d1



A meeting was held by the Provincial Agricultural Land Commission on March 24th, 2010 at Cranbrook, B.C.

PRESENT:	Barry Minor	Chair, Kootenay Panel
	Jerry Thibeault	Commissioner
	Roger Mayer	Commissioner
	Martin Collins	Staff

For Consideration

Application:	#51151
Applicant:	Kimball Hyllestad
Proposal:	To subdivide a 2 ha property into two lots.
Legal:	PID 023-750-073 Lot A, DL 344, KD, Plan NEP59023
Location:	Westside Road, Fairmont

Site Inspection

A site inspection was conducted on March 23, 2010. Those in attendance were:

- Barry Minor Chair, Kootenay Panel
- Jerry Thibeault Commissioner
- Roger Mayer Commissioner
- Martin Collins Staff

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.

The agricultural capability of the soil of the subject property is 4F (2X)

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

The limiting subclasses are low fertility and other unspecified minor and cumulative characteristics.

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 that the property is suitable for agricultural development due to its small size.

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 did not believe that the subdivision would substantively affect any agricultural activity occurring in the surrounding area. The Commission had no preference whether the subdivision was for a 0.4 ha lot and a 1.6 ha remainder or two 1 ha lots.

Conclusions

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

IT WAS

MOVED BY: Commissioner R. Mayer

SECONDED BY: Commissioner B. Minor

THAT the application to subdivide the 2 ha property into two lots be allowed.

AND THAT the approval is subject to the following conditions:

- 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 #2326/2010

ALC APPLICATION #E '51
RESOLUTION # 2326/2010

Westside Rd

2

NEP77364

A

1

NEP 19398

(A)

+ well

P. 16856

(B)

A +

NEP59023

- well

X-septic field

Hwy 93/95

APPROVED
TWO LOT SUBDIVISION



Ex. NEP19397

Explan. NEP19396 of

Part of

2

P. 7184

N.E., OF N.E.,