



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

June 15, 2010

Reply to the attention of Jennifer Carson
ALC File: 51487

Ross Blackwell
Focus Corporation
303, 535 Victoria Ave North
Cranbrook, BC V1C 6S3

Dear Mr. Blackwell:

Re: Application for a Transportation Corridor in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 2502/2010 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.

Please send two (2) paper prints of the final survey plans and the covenant or letter of credit 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: 

Brian Underhill, Executive Director

Enclosure: Minutes/Sketch Plan

cc: RDEK
ILMB

JC/
/51487d1



A meeting was held by the Provincial Agricultural Land Commission on June 14, 2010 at the offices of the Ministry of Environment located at 205 Industrial Road G., Cranbrook, B.C.

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

For Consideration

Application: 51487
Applicant: 673989 BC Ltd
Agent: Focus Corporations – Ross Blackwell
Proposal: Transportation, Utility Use - to dedicate a total of 12.6 ha of ALR for road right of way and construct a new road within the right of way. The proposed right of way ranges from 40 meters to 97 meters wide. There are two separate sections; a northerly alignment through DL 7661 affecting 6.2 ha (50 meters wide by 1250 meters long); a southerly alignment affecting 6.4 ha (ranging in width from 40 meters to 97 meters and 1000 meters long). The southerly access is proposed to accommodate a four lane divided highway.

Legal 1. PID: 019-175-281

Descriptions: District Lot 425 Kootenay District Except, (1) Part Included in Plan DD 1403 (2) Parts Included in RW Plans 1555 and 561 (3) Part 10 Acres (See 3069I) and (4) Block A

2. DL 7661

Location: Isadore Canyon Trail – Corridor 1 to Highway 3/93

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.

Background

The Commissioners were presented with this application during the previous panel meeting on March 24, 2010 and subsequently requested more information before making a decision. In response to this request, the Commission received a letter from current grazing lease holders on the subject properties. This letter indicates that the lease holders have no objection to the proposed road on the condition that fencing and gates be constructed as well as ensuring that

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. Mitigation measures can be taken to minimize the possible impacts on agriculture.

IT WAS

MOVED BY: Commissioner Mayer

SECONDED BY: Commissioner Minor

THAT the application be approved subject to the width of the road right of ways and constructed road widths not exceeding 20 metres, except where approved by the Commission having regard to topographical constraints, and subject also to the following:

- the preparation of a subdivision plan to delineate the area proposed for road per the drawing submitted with the application reduced to 20m in width in accordance with the approval,
- compliance with the improvements outlined in the April 30, 2010 letter from the grazing lease holders,
- construction of cattle guards at the highway and weed management plan as described by Mike Malmberg's May 14, 2010 report,
- the registering of a covenant in favour of the Commission to ensure that the fencing and gates are constructed as per the April 30, 2010 letter from the grazing lease holders or the submission of a letter of credit to be released upon completion of the aforementioned conditions.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- S.33 (1) *On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that*
- (a) evidence not available at the time of the original decision has become available,*
 - (b) all or part of the original decision was based on evidence that was in error or was false.*
- (2) *The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, and 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.

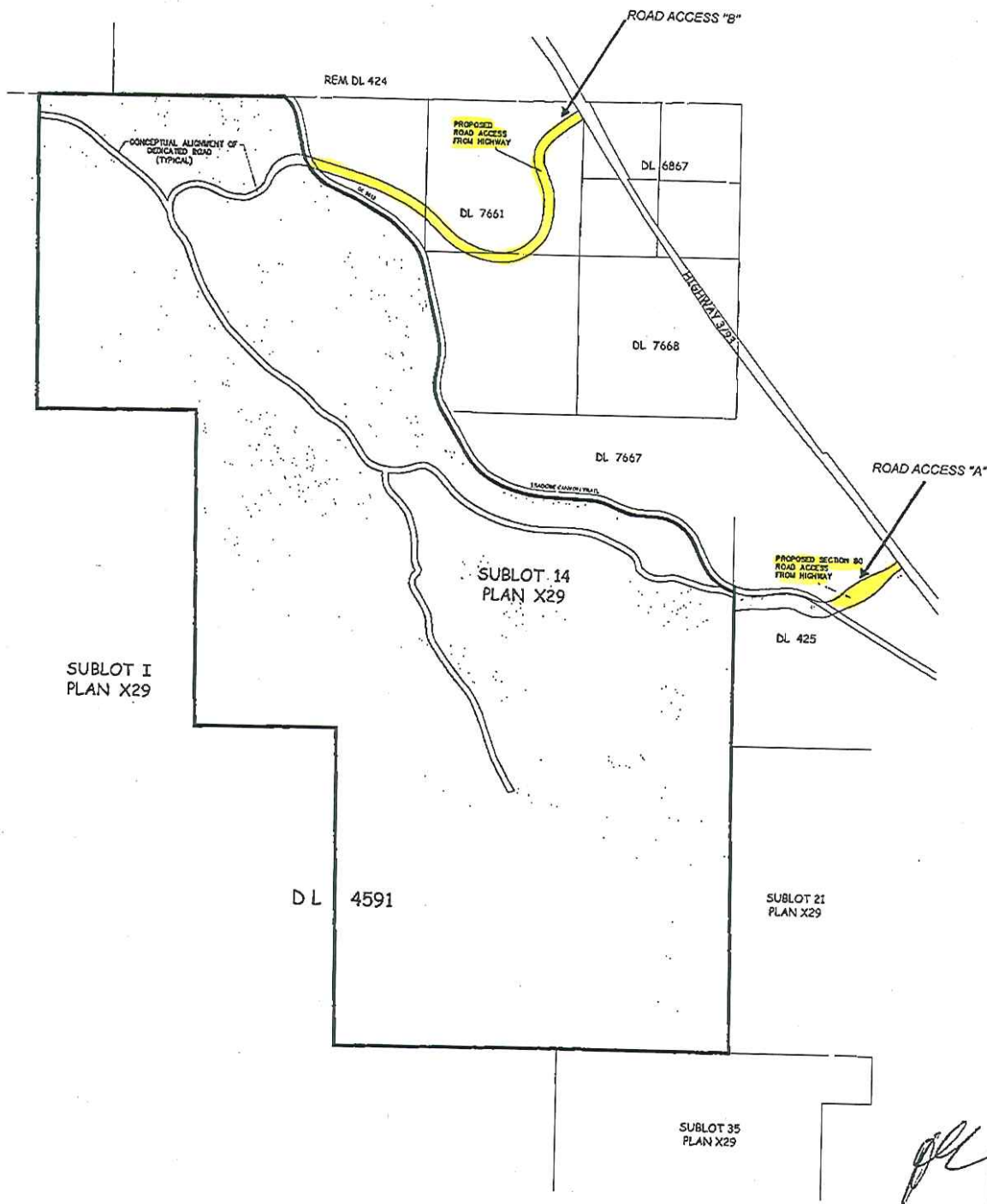
CARRIED

Resolution # 2502/2010

SKETCH FOR SUBLot 14,
DISTRICT LOT 4591, KOOTENAY
DISTRICT, PLAN X29

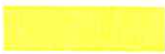
ATTACHMENT "A"

April 29, 2010



Provincial Agricultural Land Commission
Application # 51487
Resolution # 2502

Initials	Initials	Initials

 **Approximate area of approved road right of way**

April 29, 2010