



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

August 22, 2012

Reply to the attention of Lily Ford
ALC File 52591

Heinz and Jeanne Kraps
RR 5
9780 Stephenson Road
Fernie, BC V0B 1M5

Dear Mr. and Ms. Kraps:

Re: Application to Subdivide in the Agricultural Land Reserve

Please find attached Minutes of Resolution # 290/2012 outlining the Commission's decision as it relates to the above noted application. A copy of the sketch plan submitted with your application, and referenced in the minutes, is also enclosed.

Please note that approval of the proposal is subject to the following conditions:

- adjustment of the line of subdivision to exclude the hayfield (demarcated by a line described as "edge of field" on the submitted subdivision plan) and, optionally, to include additional acreage such that the total area of the lot is no greater than 2 ha;
- the registration of a covenant establishing appropriate fencing and a minimum 10 meter wide buffer, to consist of existing forest vegetation, between the proposed parcel and the remainder of the property;
- the subdivision must be completed within three (3) years from the date of this decision.

Please send two (2) paper prints of the final survey plans to this office, along with a draft covenant for our review. 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:


Colin Fry, Executive Director

Enclosure: Minutes/Sketch Plan

Cc: Regional District of East Kootenay

LF/52591d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on July 20, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Gordon Gillette	Vice Chair
Jim Collins	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jerry Thibeault	Commissioner

COMMISSION STAFF PRESENT:

Lily Ford	Land Use Planner
Colin Fry	Executive Director

APPLICATION: #52591

PROPOSAL: Subdivision of a 42.3 ha lot into one 2 ha lot and a 40.3 ha remainder.

(Submitted pursuant to section 21(2) of the Agricultural Land Commission Act)

COMMISSION CONSIDERATION:

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission 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.

After review of all file information presented, the Commission has concluded as follows:

1. With the exception of the hayfield, the area of the proposed 2 ha lot has poor agricultural capability.
2. The proposed 2 ha lot is consistent with neighbouring residential parcels to the south and east.
3. The proposal, as conditioned, would have little impact on the agricultural potential of the proposed remainder lot.

IT WAS

MOVED BY:	Commissioner Collins
SECONDED BY:	Commissioner Thibeault

THAT the application be allowed subject to the following conditions:

- adjustment of the line of subdivision to exclude the hayfield (demarcated by a line described as "edge of field" on the submitted subdivision plan) and, optionally, to include additional acreage such that the total area of the lot is no greater than 2 ha;
- the registration of a covenant establishing appropriate fencing and a minimum 10 meter wide buffer, to consist of existing forest vegetation, between the proposed parcel and the remainder of the property;
- 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, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED
Resolution # 290/2012

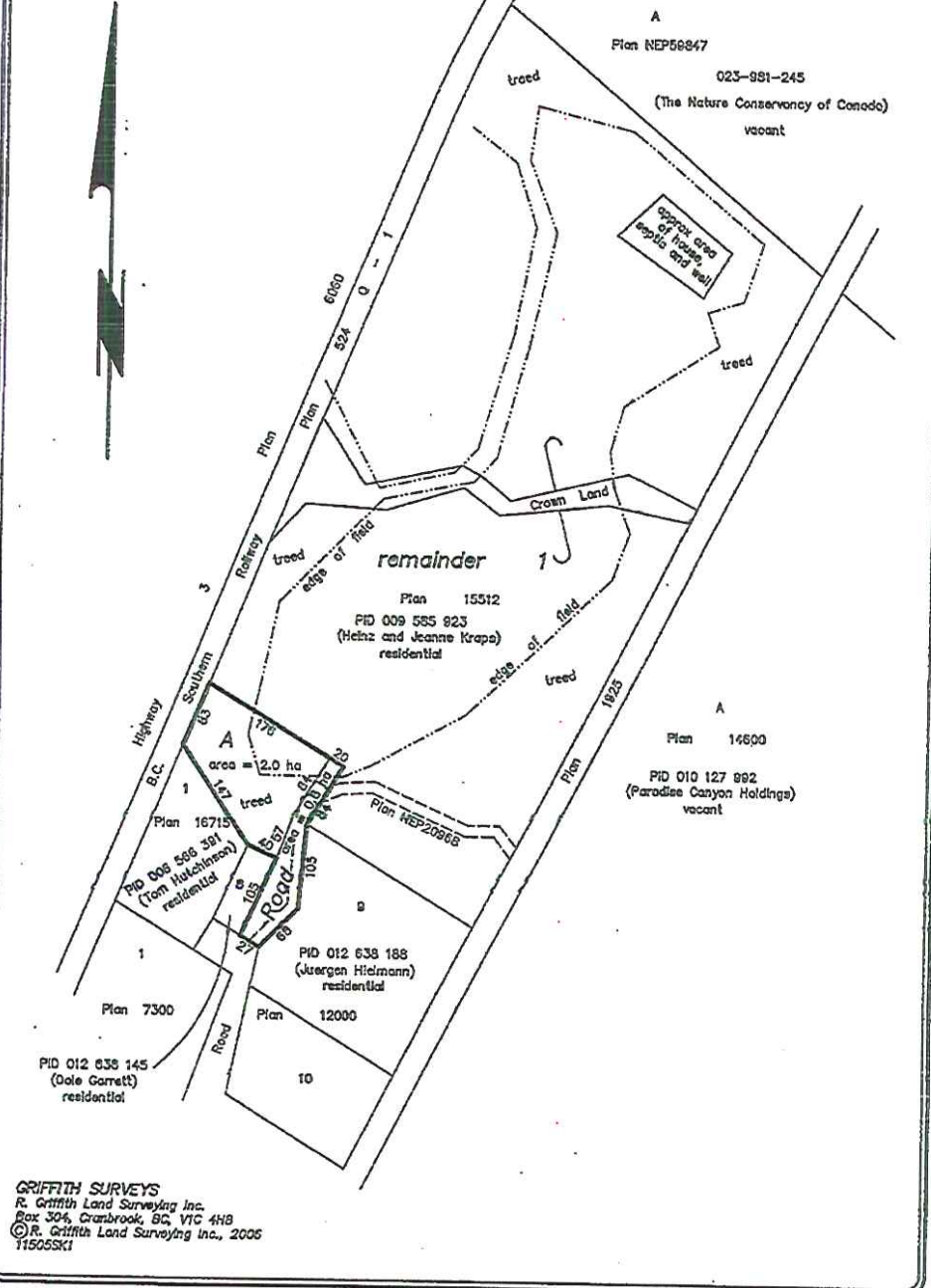
SKETCH PLAN – ALC APPLICATION #52591

*Proposed Subdivision of Part of Lot 1,
District Lot 4589, Kootenay District, Plan 15512;
except Part included in Plan 16715.*

Scale 1:5000 

All distances are in metres unless otherwise noted.

October 15, 2011



GRIFFITH SURVEYS
 R. Griffith Land Surveying Inc.
 Box 304, Cranbrook, BC, V1C 4H8
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