



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
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www.alc.gov.bc.ca

February 5, 2013

ALC File: # 52968

Clark Seaborn
RR #9
Calgary, AB
T29 5G5

Dear Mr. Seaborn:

Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution #10/2013 as it relates to the above noted application. As agent, it is your responsibility to notify your client accordingly. The Commission has also attached a Sketch Plan depicting the decision.

Further correspondence with respect to this application is to be directed to Lindsay McCoubrey.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Lindsay McCoubrey', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosures: Minutes of Resolution #10/2013
Sketch Plan

cc: Regional District of East Kootenay (File: P 712 215)



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on January 23, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #52968.

COMMISSION MEMBERS PRESENT:

Gordon Gillette	Vice-Chair (Acting Chair)
Jennifer Dyson	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner

COMMISSION STAFF PRESENT:

Roger Cheetham	Regional Planner
Lindsay McCoubrey	Land Use Planner
Eamonn Watson	Land Use Planner
Brian Underhill	Executive Director
Colin Fry	Executive Director

PROPOSAL

To subdivide the 1.0 ha subject property into two 0.5 ha lots as divided by the access road.
(Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

Owner: Hedy Seaborn

Legal: PID: 010-444-459
Lot A, District Lot 132. Kootenay District, Plan 13924

Location: Baynes Lake, Regional District of East Kootenay

Size: 1.0 Ha

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
 - (a) to preserve agricultural land;

- (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
 - (c) 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.
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COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

1. Subject property is within an area the Commission noted is functioning as the centre for the Lake Kooacanusa area within the Baynes Lake Official Community Plan (BLOCP). The Commission noted in Resolution #2630/2011, regarding the BLOCP, that benefits to agriculture could be accrued if development is directed to Baynes Lake, thereby reducing pressure on the other areas around the lake.

Conclusion: The proposed subdivision is in substantial compliance with the intent of the BLOCP.

IT WAS

MOVED BY: Commissioner Johnson
SECONDED BY: Commissioner Dempsey

THAT the proposal to subdivide the 1.0 ha subject property into two 0.5 ha lots be conditionally approved.

AND THAT the final approval is subject to:

1. The applicant submitting the following documentation for Commission review and approval:
 - a. The Preliminary Layout Approval (PLA) specifying the requirements for subdivision identified by the Approving Officer at the Ministry of Transportation and Infrastructure;
 - b. The requirements for subdivision specified by the local government that are not identified in the PLA; and
 - c. The requirements for subdivision specified by any other person or body having jurisdiction over the land under an enactment.

The Commission will be primarily concerned with any conditions or requirements it believes will result in either a substantial deviation from the plan submitted with the application and to which this preliminary approval is granted, or, conditions it believes are inconsistent with the purposes of the *Agricultural Land Commission Act* to preserve agricultural land and encourage farming.

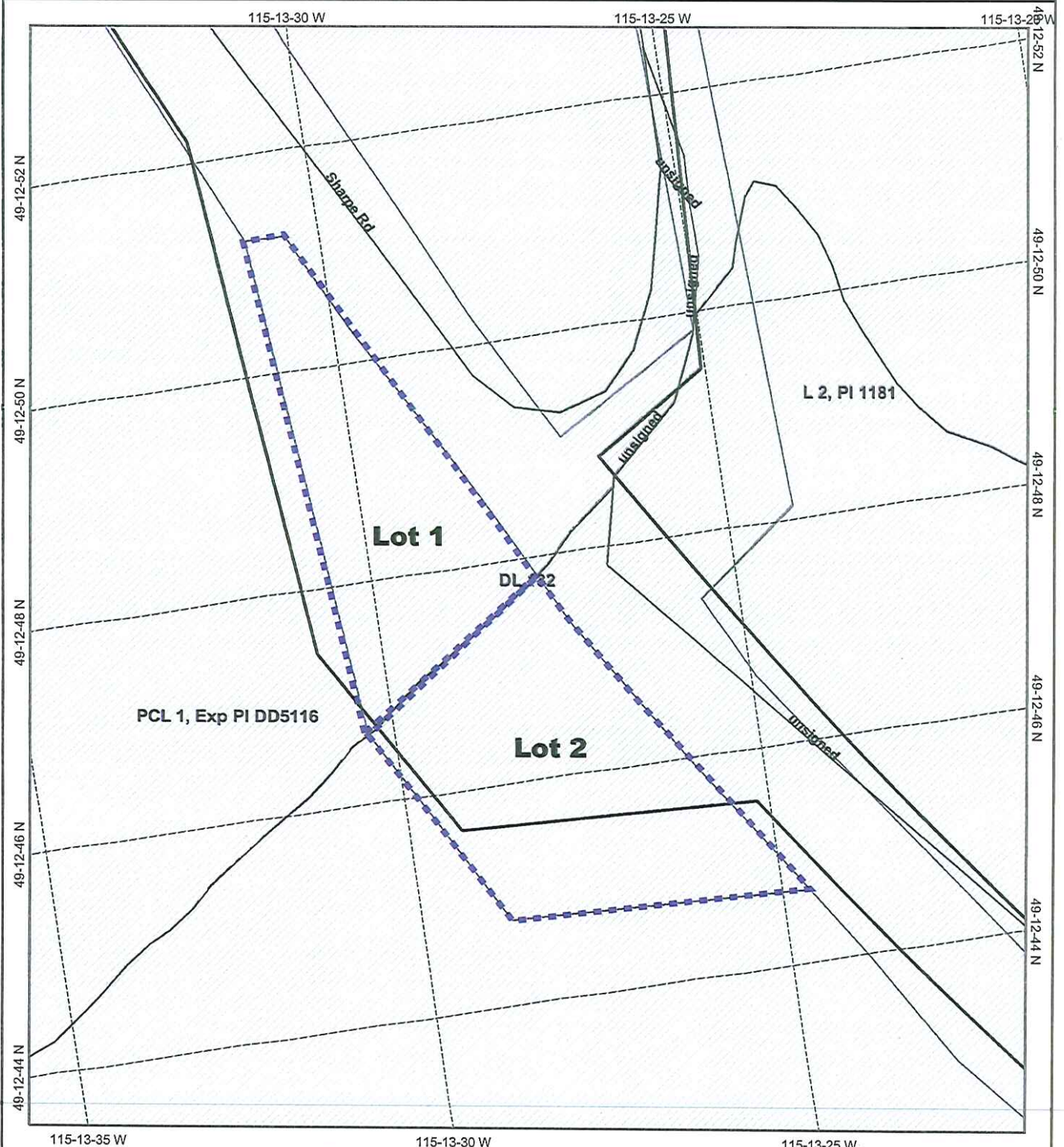
Final approval is contingent on the Commission's acceptance of the conditions of approval. The final survey plan should not be prepared in advance of receiving the Commission's written acceptance of the conditions or requirements of approval established by other persons or agencies.

2. The subdivision plan must be completed within three (3) years from the date of this decision;

AND FINALLY THAT 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 #10/2013

ALC Application # 52968: Resolution # 10/2013 Sketch Plan



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Comments:

■ ■ ■ Approved two lot subdivision as divided by the access road