



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

December 13, 2013

ALC File: #53104
RDEK File: P 712 612

Focus Corporation
PO Box 608 – 712D 10th Street
Invermere, BC
V0A 1K0
Attn. Bronwyn Denton

Dear Ms. Denton:

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

Please find attached the Minutes of Resolution #246/2013 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.

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.

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 'Brian Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosures: Minutes of Resolution #246/2013
Sketch Plan

cc: Regional District of East Kootenay (File: P 712 612)



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on July 17, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53104.

COMMISSION MEMBERS PRESENT:

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

COMMISSION STAFF PRESENT:

Roger Cheetham	Regional Planner
Lindsay McCoubrey	Land Use Planner
Colin Fry	Executive Director

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

Subdivide the 252.8 ha property into approximately one 168.8 ha lot and one 84 ha lot as divided by Highway 95.

PROPERTY INFORMATION:

Owner: Max Helmer Construction Ltd.

Legal: PID: 012-505-722
The South ½ of the North ½ of District Lot 352, Kootenay District, Except: (1) Part included in RW Plan 1154; and (2) Part Included in Plan 7250

Location: Highway 95, Edgewater

Size: 252.8 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. The subject property is divided by Highway 95, creating two separate units within one parcel. The Regional District of East Kootenay (RDEK) staff report and the Advisory Planning Commission (APC) assessment indicates that the volume of traffic on Highway 95 in this area does not impede the property from being utilized as a single agricultural unit.

Conclusion: The Commission notes the concerns of the RDEK staff and the APC, but given the size of the properties involved, concludes that the Highway is the main artery in the region and as such creating two separate lots will remove any potential risk of crossing Highway 95.

2. The subject property is 252.8 ha, proposed for lots of 168.8 ha and 84 ha.

Conclusion: The proposed subdivided lots will remain conducive for agricultural use.

IT WAS

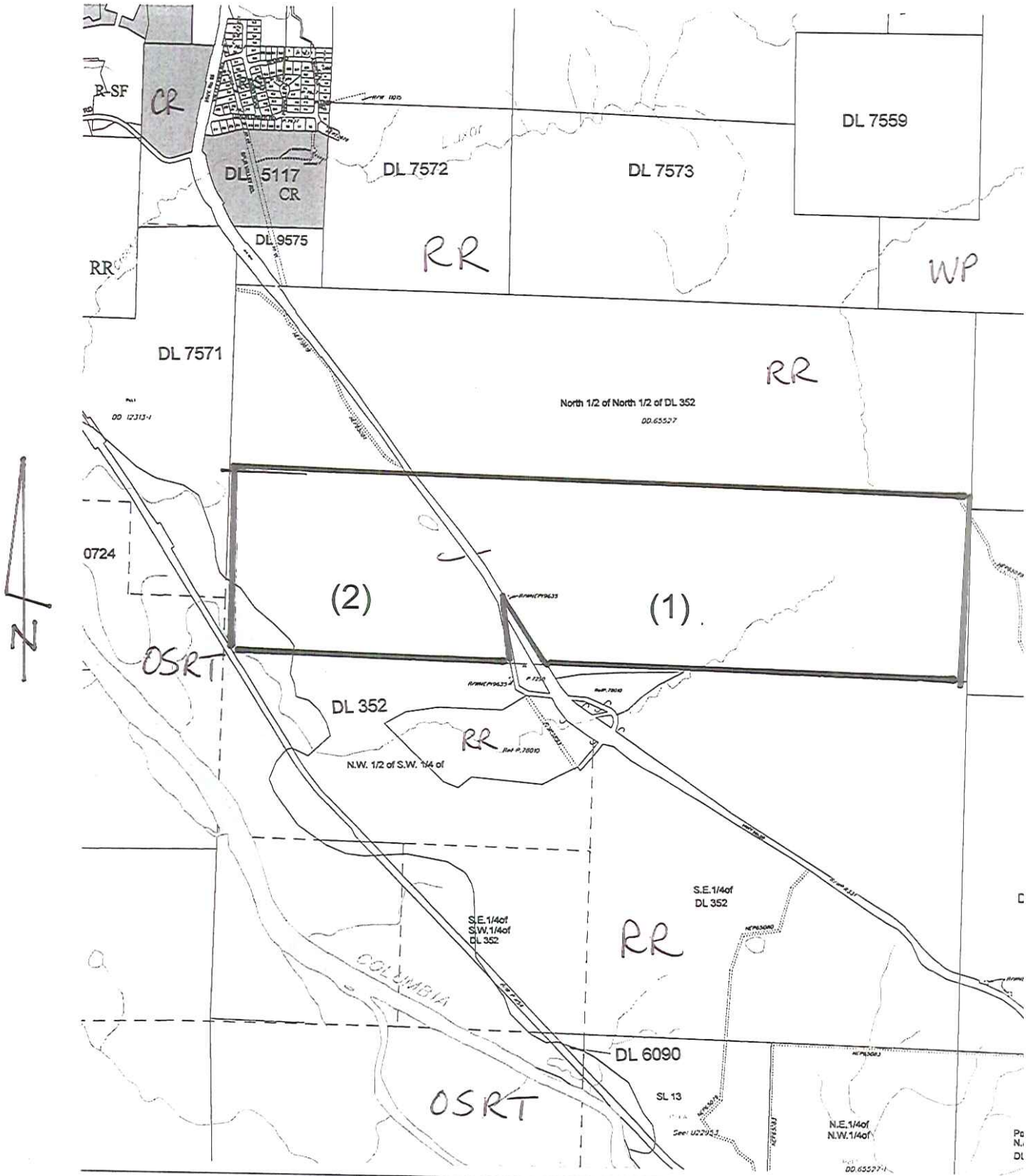
MOVED BY: Commissioner Gillette
SECONDED BY: Commissioner Dempsey

THAT the proposal to subdivide the 252.8 ha property into approximately one 168.8 ha lot and one 84 ha lot as divided by Highway 95 be approved subject to the registration of the subdivision plan being 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 #246/2013



1d

Industrial and Commercial Land Uses

- Commercial C
- Commercial - Recreation CR
- Industrial I

ALC Application #53104
 Resolution #246/2013
 Approved Lots (1) & (2)