



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

September 9, 2015

ALC File: 53973

Peter Hjalmarson
6099 Hwy 95A
Box 79
Ta Ta Creek, BC V0B 2H0

Dear Mr. Hjalmarson:

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

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #269/2015) as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly. A sketch plan depicting the decision has been attached.

Please send two (2) copies of the final survey plan 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 at (Lindsay.McCoubrey@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'C. Fry', written over a horizontal line.

Colin J. Fry, Chief Tribunal Officer

Enclosures: Reasons for Decision (Resolution #269/2015)
Sketch plan

cc: Regional District of East Kootenay (File: P714 420)

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Minutes of a meeting held by the Provincial Agricultural Land Commission (the “Commission”) on September 9, 2015 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, BC.

FOR CONSIDERATION

Application: 53973
Applicant: Jean McIntyre & Fred Gillespie
Agent: Peter Hjalmarson
Proposal: To subdivide the 8.0 ha property to create a parcel of 1.8 ha and a parcel of 6.2 ha. (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)
Legal: PID: 025-589-441
Location: Lot 1, District Lot 6574, Kootenay District, Plan NEP72823
6099 Hwy 95A, Ta Ta Creek
Background: The applicants are proposing the subdivision along a topographical barrier in order to provide their son with his own parcel. The applicants write that the 1.8 ha proposed for subdivision is completely inaccessible from the remainder of the property. The Agricultural Capability mapping for the subject property demonstrates this as the portion to be subdivided off is classified as Class 6T (unimprovable), and the remainder is improvable to Class 4M. It was also noted that the RDEK Board supported this application.
In its decision on previous application #2382 (Legacy File 29067) dated August 22, 2002, the Commission wrote the following about the subject property: “Having regard to the limited size of the upper bench in relation to its potential for ranching activity and the lack of sufficient Crown grazing land to offer any realistic ranching opportunities the Commission came to the conclusion that in this instance the subdivision would not affect the agricultural potential of the subject property nor would agriculture in general be compromised”.

DELEGATION OF DECISION-MAKING TO THE CHIEF EXECUTIVE OFFICER (CEO)

On June 27, 2011 the Commission delegated decision-making to the CEO by Resolution #016N-2011 (File: 140-60/ALC/CEO/APPL). In accordance with section 27 of the *Agricultural Land Commission Act* the Commission has specified that the following applications may be decided by the CEO.

Criterion 14

Exclusion, subdivision, non-farm use and inclusion applications that are not consistent with any of the existing approved criteria (Criteria 1 - 13) but nonetheless are minor in nature, and in the opinion of the CEO the interests of the Commission would be unaffected by an approval of the application.

DECISION:

After reviewing the entire file material, I, Brian Underhill, Deputy Chief Executive Officer of the Commission, am satisfied that due to the limited agricultural capability of the upper bench portion of the property, RDEK support and previous ALC comments, I believe that the

proposal is consistent with Criterion #14 of Resolution #016N/2011 and approve the application on behalf of the Commission.

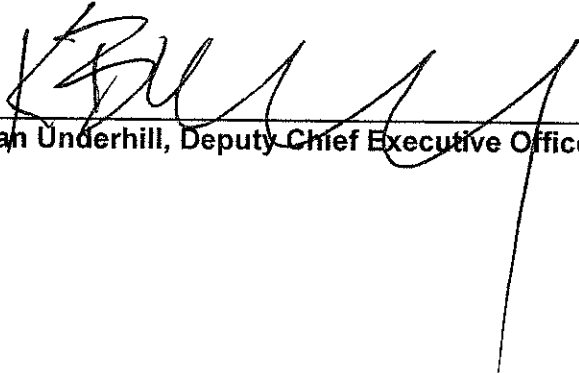
Approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application; and
- The subdivision must be completed within three (3) years from the date of the letter communicating 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.

RESOLUTION #269/2015

I CERTIFY THAT THIS IS A TRUE RECORD OF THE DECISION



Brian Underhill, Deputy Chief Executive Officer

