



Agricultural Land Commission
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October 28, 2005

Reply to the attention of Ron Wallace

Peter (Burke) Jones and Olga Prevost
PO Box 472
Nelson, BC – V1L 5R3

Dear Sir/Madam:

**Re: Application #F-35905
Lot 11, District Lot 302A, Kootenay District Plan 1132**

Further to your letter of 20 June 2005, the Commission, acting under section 33 of the *Agricultural Land Commission Act*, has reconsidered the above noted application.

The Commission, by Resolution **#562/2005**, has approved your request for either proposal 1 or proposal 2 as outlined in the above noted letter. Proposal 1 would be for the creation of two parcels with the extension of Doukhobour Road a further 66 feet, to provide direct legal access for both lots. Proposal 2 would have a 66 foot wide strata property along the north east portion of the property that would be owned by all four land owners in the four lot subdivision proposal.

This approval is granted provided that your subdivision is in substantial compliance with either proposal 1 or proposal 2 as shown on the plans attached hereto.

The land referred to in the application continues to be subject to the provisions of the Act and regulations except as provided by this approval.

This approval in no way relieves the owner or occupier of the responsibility of adhering to all other legislation that may apply to the land. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that may have jurisdiction. Before your development can proceed, other approvals may be necessary and we urge you to check with Regional district of Central Kootenay.

When the final survey plans or documents as required for Land Title purposes have been prepared, please send two paper prints to this office well in advance of commencing registration procedures. The Commission will then authorize the Registrar of Land Titles to accept the application for deposit of the subdivision plan.

Please quote the above application number in any future correspondence.

Yours truly,
PROVINCIAL AGRICULTURAL LAND COMMISSION

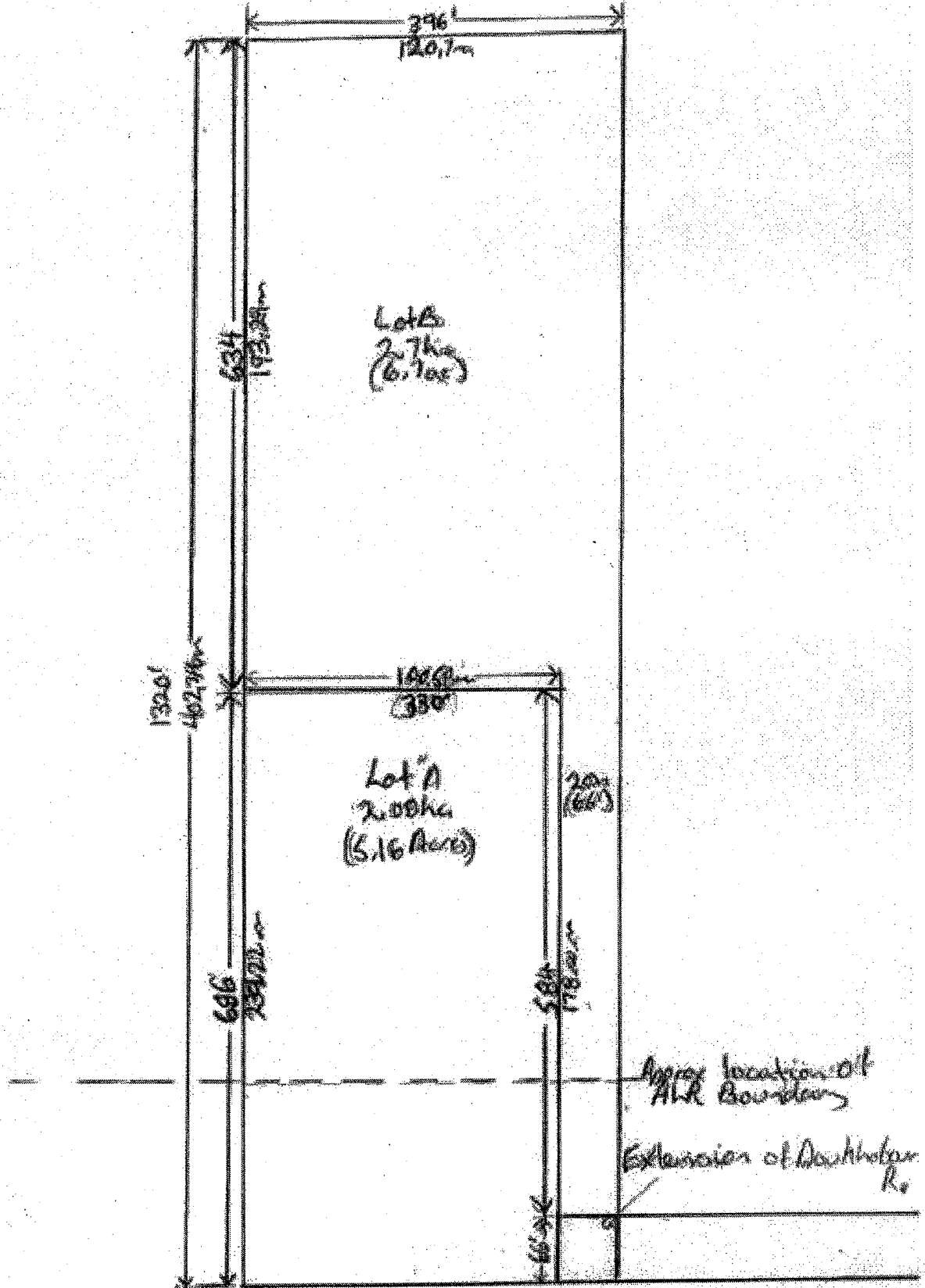
Per:

Erik Karlsen, Chair

cc Regional District of Central Kootenay (#A05061-1580-110)
Approving Officer, Ministry of Transportation, Nelson
BC Assessment, Nelson

RW/lv/Encl./35905d2

Proposal 1

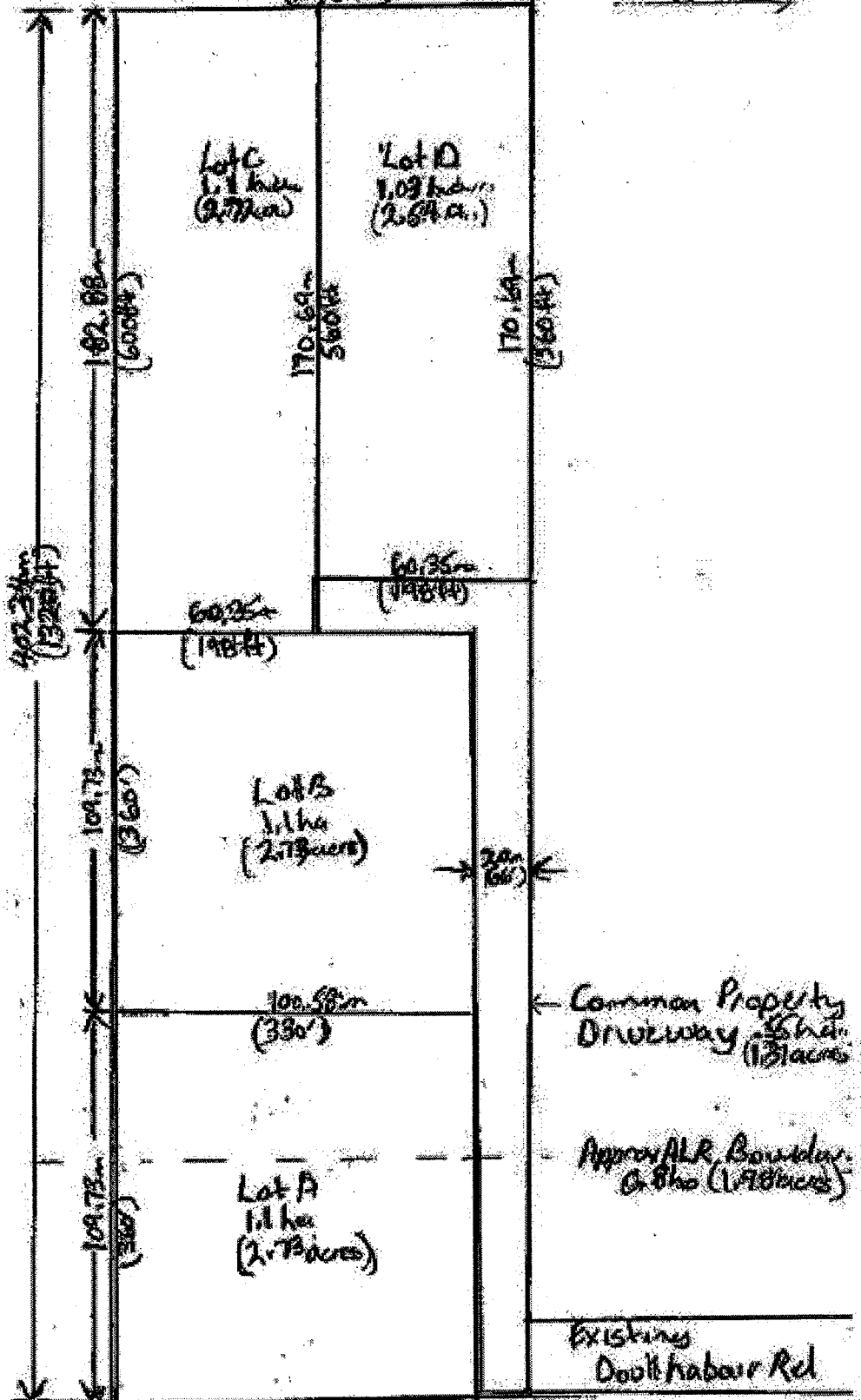


Provincial Agricultural Land Commission
 Application: F-35905
 Resolution #562/2005
 Proposal 1

- area approved for extension of Doukhobour Rd.
- approved subdivision

Lot 11
DL 302A
KOPlan

Proposal 2
1207m
(3964ft)



Provincial Agricultural Land Commission
Application: F-35905
Resolution #562/2005
Proposal 2

approved subdivision

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on October 12, 2005 in Castlegar, B.C.

PRESENT: Monika Marshall Chair
 Cheryle Huscroft Commissioner
 Carmen Purdy Commissioner

STAFF: Ron Wallace, Regional Research Officer

For Consideration

Ron Wallace presented the applicant's letter dated 20 June 2005 requesting reconsideration of application #F-35905. The original application is to exclude the estimated 0.8 ha ALR portion of the property from the ALR in order to initiate its subdivision into four lots of approximately 1 ha each. The Commission refused exclusion but did support the creation of an easement up the north side of the property to provide access for lots lying outside the ALR.

The request for reconsideration is to consider two alternate proposals. The first proposal would have two lots. The previously approved easement would be a panhandle of the west lot. This panhandle would provide legal access to the property. A small piece at the north east end would be given to highways to extend Doukhobour Road a further 66 feet, to provide direct legal access for both lots. The second proposal would have a 66 foot wide strata property in the same location of the approved easement. This would be owned by all four land owners in the four lot subdivision proposal. This strata lot would be strictly for access road and placement of a well for a community water system.

Commission Discussion

The Commission would support either proposal 1 or 2 as each proposal was felt to be consistent with the original decision.

IT WAS

MOVED BY: Commissioner Purdy
SECONDED BY: Commissioner Marshall

THAT the request for reconsideration be received and that either proposal 1 or 2 be approved as proposed.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED