



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

July 6, 2006

Reply to the attention of Ron Wallace

Donald and Lois Warthe
414 Park Street
Nelson, BC V1L 2G8

Dear Sir/Madam:

Re: **Application # F-36559**
Lot 2, District Lot 8338, Kootenay District, Plan 16033

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide the above noted property into two approximately equal lots. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank you for taking the time to meet with its representatives on 26 June 2006.

The Commission writes to advise that it approved your application subject to:

- the subdivision being in substantial compliance with the attached plan.
- compliance 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. The Commission suggests you contact the Regional District of Central Kootenay at your earliest convenience.

The decision noted above is recorded as Resolution **#337/2006**.

Please send two (2) paper prints of the final survey plans to this office well in advance of commencing registration at the Land Titles Office. When the Commission confirms that the subdivision plan is acceptable and verifies that all conditions of approval have been met it will authorize the Registrar of Land Titles to accept the application for deposit of the plan. Please quote your application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

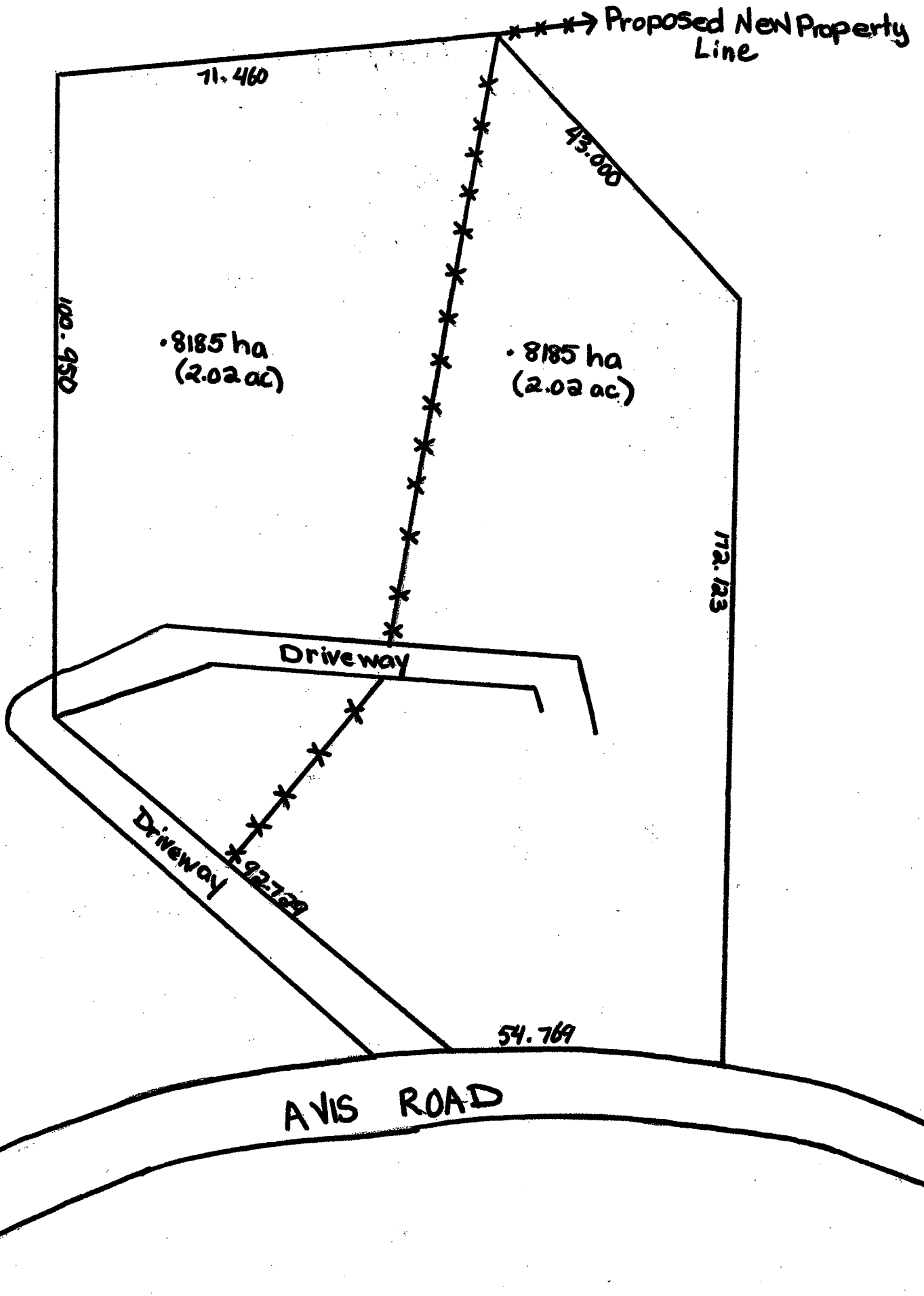
A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over a light blue horizontal line.

Erik Karlsen, Chair

cc: Regional District of Central Kootenay – File #A0602Hs-22083-200

RW/lv/Encl./36559d1

PROPOSAL



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on 26 June 2006 in Nelson, B.C.

PRESENT: Monika Marshall Chair
 Carmen Purdy Commissioner

STAFF: Ron Wallace, Land Use Planner

For Consideration

Ron Wallace presented the staff report dated May 19, 2006 regarding application #F-36559, Donald and Lois Warthe. The application is to subdivide the property into two approximately equal lots to provide the applicants' children with separate lots to reside. There are two dwellings on the property and this proposal would provide each of their children with separate title.

Site Inspection

A site inspection was conducted on 26 June 2006. Those in attendance were:

- Commissioners Marshall & Purdy
- Agricultural Land Commission Staff: Ron Wallace, Land Use Planner
- Applicants Donald and Lois Warthe

The site inspection lasted from 11:00 a.m. to 11:30 a.m.

Commission Discussion

It was noted during the on-site that the property is small in area and characterized by steep topography and thereby felt to have very limited agricultural potential. The Commission supported the proposed subdivision based on this observation.

IT WAS

MOVED BY: Commissioner M. Marshall
SECONDED BY: Commissioner C. Purdy

THAT the staff report be received and the application to subdivide the property into two roughly equal lots be approved as proposed.

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

CARRIED



Staff Report
Application # F – 36559
Applicant: Donald & Lois Warthe

DATE PREPARED: May 19, 2006

TO: Chair and Commissioners – Kootenay Panel

FROM: Ron Wallace, Regional Research Officer

PROPOSAL: To subdivide the property into two approximately equal lots to provide the applicants' children with separate lots to reside. There are two dwellings on the property and this proposal would provide each of their children with separate title.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

There has been one previous application that includes the subject property. The details of this application will be made available to the Panel during the meeting.

Local Government:

Regional District of Central Kootenay

Legal Description of Property:

1. PID: 008-281-254
Lot 2, District Lot 8338, Kootenay District, Plan 16033

Purchase Date:

October 1991

Location of Property:

Winlaw area

Size of Property:

1.6 ha (The entire property is in the ALR).

Present use of the Property:

There are two residences on the property with each family growing a vegetable garden and raising chickens. The buildings include two dwellings, chicken coop and wood/storage shed.

Surrounding Land Uses:

WEST: Residential
SOUTH: Residential
EAST: Sheep farm
NORTH: Residential

Agricultural Capability:

Data Source: Agricultural Capability Map # 82F/12
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

None

Zoning Bylaw and Designation:

None

PREVIOUS APPLICATIONS:

Application #15532-0
Applicant: Avis, Larry M.
Decision Date:
Proposal:
Decision:

RELEVANT APPLICATIONS:

Application #36060-0 (To the north of the subject property)
Applicant: Ferguson, Peter & Mona
Decision Date: August 10, 2005
Proposal: To subdivide the 30.4 ha subject property into three (3) parcels - approximately 17.0 ha, 8.9 ha and 4.5.
Decision: Approved as the proposed subdivision is located in an area of slope that transitions between the lower fields adjacent to the Slocan River and the upper bench, in a location where there will be no impact on agriculture

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional Board

The application was referred to the Area Director. A Regional Board Resolution may follow in due course.

Local Government Staff

The Planning Staff has no objection as the site is entirely in an area identified as Perry Ridge Geohazard.

STAFF COMMENTS:

The proposed subdivision would create two lots of approximately 0.8 ha (2 acres) that would still be subject to the Agricultural Land Commission Act.

END OF REPORT



Signature

Date 19 May 2006