



Agricultural Land Commission
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November 14, 2006

Reply to the attention of Gordon Bednard
ALC File: F-36806

Edmund Lassey and Derrick Hammond
101 Union Street
Nelson, BC V1L 4A1

Dear Sirs:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 541/2006 outlining the Commission's decision as it relates to the above noted application.

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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: *KB Unell*

Erik Karlsen, Chair

cc: Regional District of Central Kootenay (#4035-20-A0616E-09056)
Ward Engineering and Land Surveying Ltd 1-609 Baker Street, Nelson BC V1L 4J3

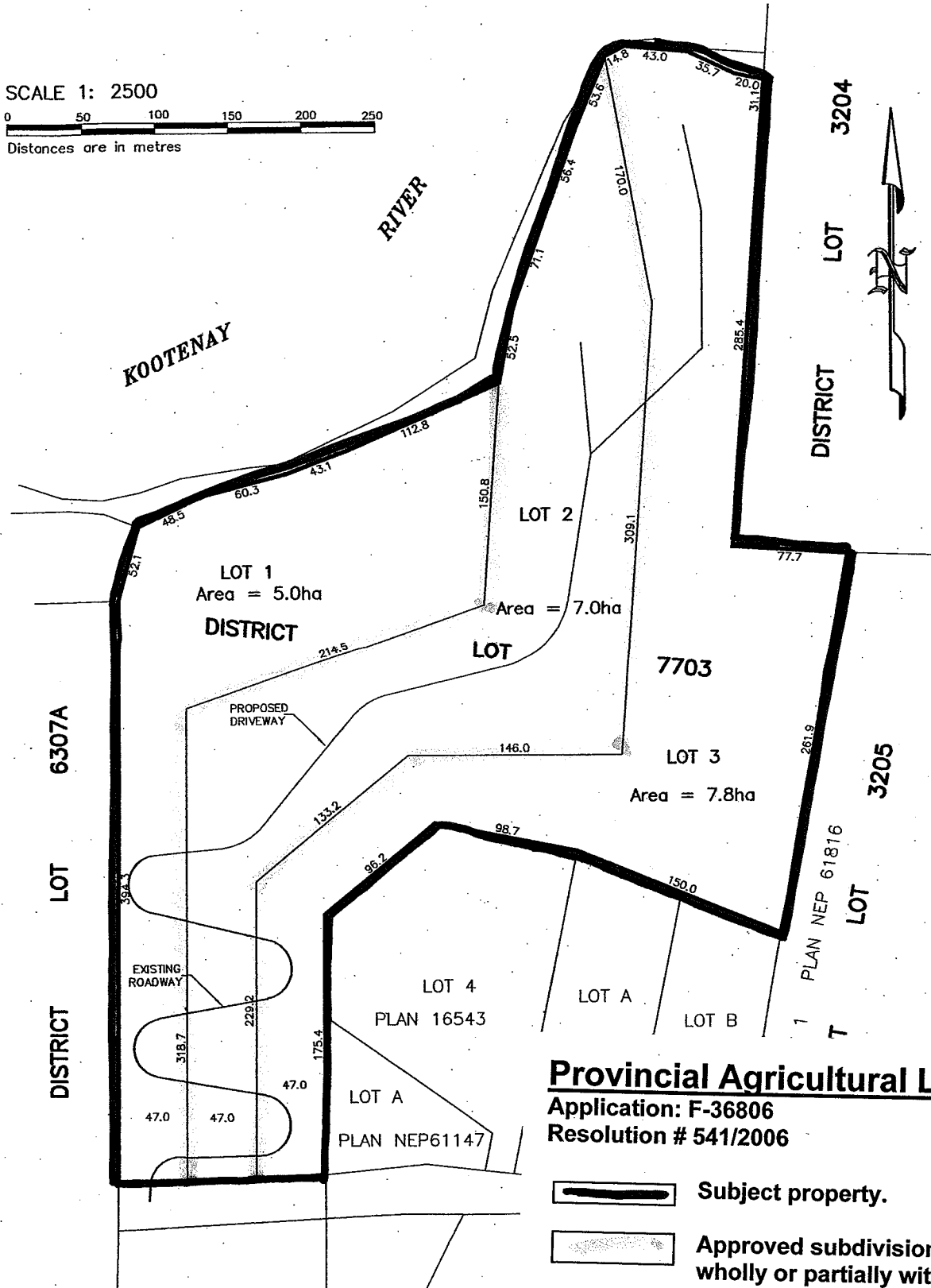
Encl.: Minutes/Sketch Plan
GB/eg/36806d1

**SKETCH PLAN OF PROPOSED
SUBDIVISION OF THE REMAINDER
OF DISTRICT LOT 7703, KOOTENAY
DISTRICT.**

SCALE 1: 2500



Distances are in metres



Provincial Agricultural Land Commission

Application: F-36806

Resolution # 541/2006



Subject property.



Approved subdivision boundary. Lots remain wholly or partially within the ALR.



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 27, 2006 at Nelson, B.C.

PRESENT: Monika Marshall Chair, Kootenay Panel
 Carmen Purdy Commissioner
 Erik Karlsen Chair, ALC
 Gordon Bednard Staff, ALC

For Consideration

Application: # F- 36806
Applicant: Edmund Lassey

Proposal: To subdivide divide the 19.8 ha parcel into 3 lots of 5.0 ha, 7.0 ha and
 7.8 ha (only 2 ha of the property is within the ALR)

Legal: PID: 005-195-357
 District Lot 7703, Kootenay District, EXCEPT (1) Parcel A
 (Explanatory Plan 34379I), (2) Parcel A (Explanatory Plan 31088I)
 and (3) Parts included in Plans 1778, 16543 and NEP23488

Location: South side of Kootenay River in Blewett

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. 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.

The Act provides processes for landowners, local governments and First Nations to apply to the Commission to remove land from the ALR or to use land in the ALR for non-farm purposes.

Conclusions

That the proposal will not impact agriculture.

IT WAS

MOVED BY: Commissioner Monika Marshall
SECONDED BY: Commissioner Carmen Purdy

THAT the application be allowed. The property contains only a small portion of land within the ALR and subdivision of the subject lands will not negatively impact on the remaining ALR lands in the Blewett area.

AND THAT the subdivision be in substantial compliance with the plan submitted with the application.

AND THAT the approval is granted to the applicant only and is valid for three (3) years from the date of 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.

CARRIED
Resolution # 541/2006



Staff Report
Application # F – 36806
Applicant: Edmund Lassey & Derrick Hammond
Agent: Ward Engineering & Land Surveying Ltd

DATE RECEIVED: July 11, 2006

DATE PREPARED: September 5, 2006

TO: Chair and Commissioners – Kootenay Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: To subdivide divide the 19.8 ha parcel into 3 lots of 5.0 ha, 7.0 ha and 7.8 ha
This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

Only 2 ha of the 19.8 ha property is within the ALR.

Local Government:

Regional District of Central Kootenay

Legal Description of Property:

PID: 005-195-357
District Lot 7703, Kootenay District, EXCEPT (1) Parcel A (Explanatory Plan 34379I), (2) Parcel A (Explanatory Plan 31088I) and (3) Parts included in Plans 1778, 16543 and NEP23488

Purchase Date:

June 2006

Location of Property:

South side of Kootenay River

Size of Property:

19.8 ha

ALR Area:

2 ha

Present use of the Property:

Residential

Surrounding Land Uses:

WEST: residential
SOUTH: Malina Road, residential
EAST: residential
NORTH: Kootenay River

Agricultural Capability:

Data Source: Agricultural Capability Map # 82F/6
The majority of the property is identified as having Secondary ratings.

RELEVANT APPLICATIONS:

Application #31566-0

Applicant: Watson, Barry
Decision Date: November 17, 1997
Proposal: To subdivide the 3.2 ha property into two lots of 0.8 ha and 2.4 ha.
Decision: The Commission allowed the subdivision on the grounds the Blewett area had been flagged for exclusion from the ALR in 1987.

ATTACHMENTS:

- Sketch Plan of Proposed Subdivision of The Remainder of District Lot 703, Kootenay District (Submitted by the applicants)
- ALR Context Map - BCGS 82F.043 1:20,000 (Created by ALC Staff)

END OF REPORT

Signature

Date