



September 24, 2009

Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
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www.alc.gov.bc.ca

Reply to the attention of Brandy Ridout
ALC File L-38103

Dave and Diane Wall
856 North Star Road
Baynes Lake, B.C.
V0B 1J0

Dear Sir/Madam:

Re: Request for Reconsideration

This is further to your May 27, 2009 e-mail correspondence in which you asked the Provincial Agricultural Land Commission to reconsider Resolution #702/2008.

The Commission has reconsidered the matter and has attached the Minutes of Resolution # 928/2009 and a sketch plan outlining its latest 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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a horizontal line.

Erik Karlsen, Chair

cc: Regional District of East Kootenay

Enclosure: Minutes/Sketch Plan

MC/38103d2



A meeting was held by the Provincial Agricultural Land Commission on Thursday, September 17th, 2009 by telephone conference call.

PRESENT:	Barry Minor	Chair, Kootenay Panel
	Carmen Purdy	Commissioner
	Jerry Thibeault	Commissioner
	Martin Collins	Staff

For Consideration

An e-mail dated May 27, 2009 from Diane Wall was received requesting that the Commission reconsider its decision to refuse a two lot subdivision of the 2 ha property - recorded as Resolution #702/2008. Ms Wall indicated that unless a subdivision was allowed they would have to leave their home and area. She also pointed out that the Regional District supported the subdivision proposal, and that there are other 2 ha lots in the neighborhood that have also been approved for subdivision.

Application:	L-38103 (44966)
Applicant:	Dave and Diane Wall
Original proposal:	To subdivide a 2 ha lot into two 1 ha lots.
Original decision:	Refuse as proposed.
Current proposal:	To subdivide a 2 ha lot into two 1 ha lots.
Legal:	PID 012-259-438 Block 27, DL 132, KD, Plan 1181
Location:	Baynes Lake

Site Inspection

No site inspection was conducted.

Context

The proposal was considered under Section 33 of the Agricultural Land Commission Act (the "Act") which states:

- S33(1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that
- (a) evidence not available at the time of the original decision has become available,
 - (b) all or part of the original decision was based on evidence that was in error or was false, or
 - (c) a recommendation by a facilitator under section 13 relating to a dispute warrants a reconsideration of the original decision.

The Commission believed that the applicant had provided evidence that was not available at the time of the original decision and so reconsidered the application.

Discussion

The Commission had no objection to the proposed subdivision, noting that the 2 ha property had very limited agricultural capability due to its size, and that two homes already existed on the parcel.

IT WAS

MOVED BY: Commissioner C. Purdy

SECONDED BY: Commissioner B. Minor

THAT for the purposes of Section 33(2) of the *Agricultural Land Commission Act*, there are no persons it considers affected by the reconsideration.

AND THAT the request to subdivide the 2 ha property into two 1 ha lots be approved.

AND THAT the approval is subject to the subdivision being completed within 3 years of the date of this decision.

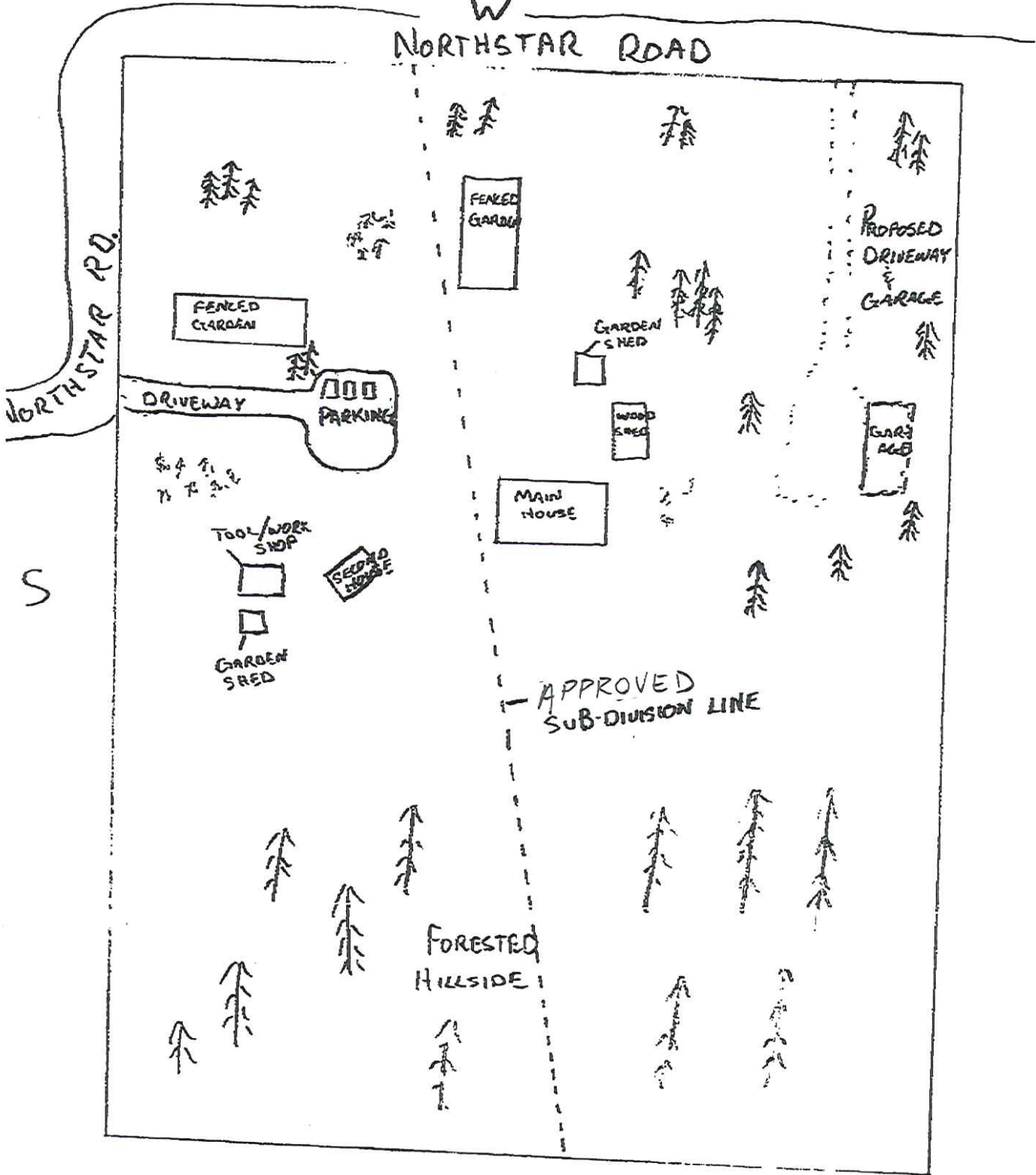
This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED

Resolution # 928/2009

ALC APPLICATION L-38103
RESOLUTION #

W
NORTHSTAR ROAD



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RECEIVED
PROV. AGRICULTURAL
LAND COMMISSION APR 11 2008