



September 25, 2009

**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
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Reply to the attention of Brandy Ridout  
ALC File L-38640

Daryl and Lita Salanski  
PO Box 35 – 3950 Highway 93  
Grasmere, B.C.  
V0B 1R0

Dear Sir/Madam:

**Re: Request for Reconsideration**

This is further to your August 11, 2009 letter in which you asked the Provincial Agricultural Land Commission to reconsider Resolution #196/2009.

The Commission has reconsidered the matter and has attached the minutes of Resolution # 930/2009 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.

Other approvals may be necessary. Prior to proceeding the Commission suggests you contact your local government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a white background.

Erik Karlsen, Chair

cc: Regional District of East Kootenay (File: P 708 228)

Enclosure: Minutes/Sketch Plan

MC/38640d2



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

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

**For Consideration**

A letter dated August 11, 2009 was received from Lita and Daryl Salanski which requested that the Commission reconsider its decision recorded as Resolution #196/2009. The Salanski's provided an amended 14 lot subdivision plan with the letter which provided a slightly revised boundary and access configuration than approved by Commission resolution #196/2009 and requested that the condition requiring the consolidation (by covenant) of the remainder of Parcel A with DL 7012 be released.

Application:	L-38640
Applicant:	Daryl and Lita Salanski
Original proposal:	To subdivide two adjoining properties of 96 and 126 ha into nineteen lots ranging in size from 1 ha to 112 ha.
Original decision:	Refuse as proposed but allow a modified 10 lot proposal subject to consolidation of the larger agricultural remainder with an adjoining farm property by restrictive covenant. The Commission also indicated that it would support additional lots west of the Highway.
Current proposal:	To subdivide fourteen lots from the two adjoining properties ranging from 1 ha to 27 ha without the necessity of consolidating the agricultural remainder with the adjoining farm property.
Legal:	PID 013-158-244 Parcel A (see T6444) Sublot 15, DL 4589, Kootenay District, Except Part included in Plan R 232 PID 013-158-287 DL 7012, Kootenay District, Except Part included in Plan R 232
Location:	Grasmere

**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 revised subdivision, noting that it was consistent with the direction provided by Resolution #196/2009. The Commission also accepted the Salanski's assertion that the remainder Parcel A of SL 15 was designated as a family lot and no longer required the consolidation of the remainder of Parcel A with DL 7012.

### **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 14 lots be approved without the necessity of consolidating the Rem. Parcel A of SL 15 with the adjoining property to the north.

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 # 930/2009**

C 7012

LOT LAYOUT

REVISED

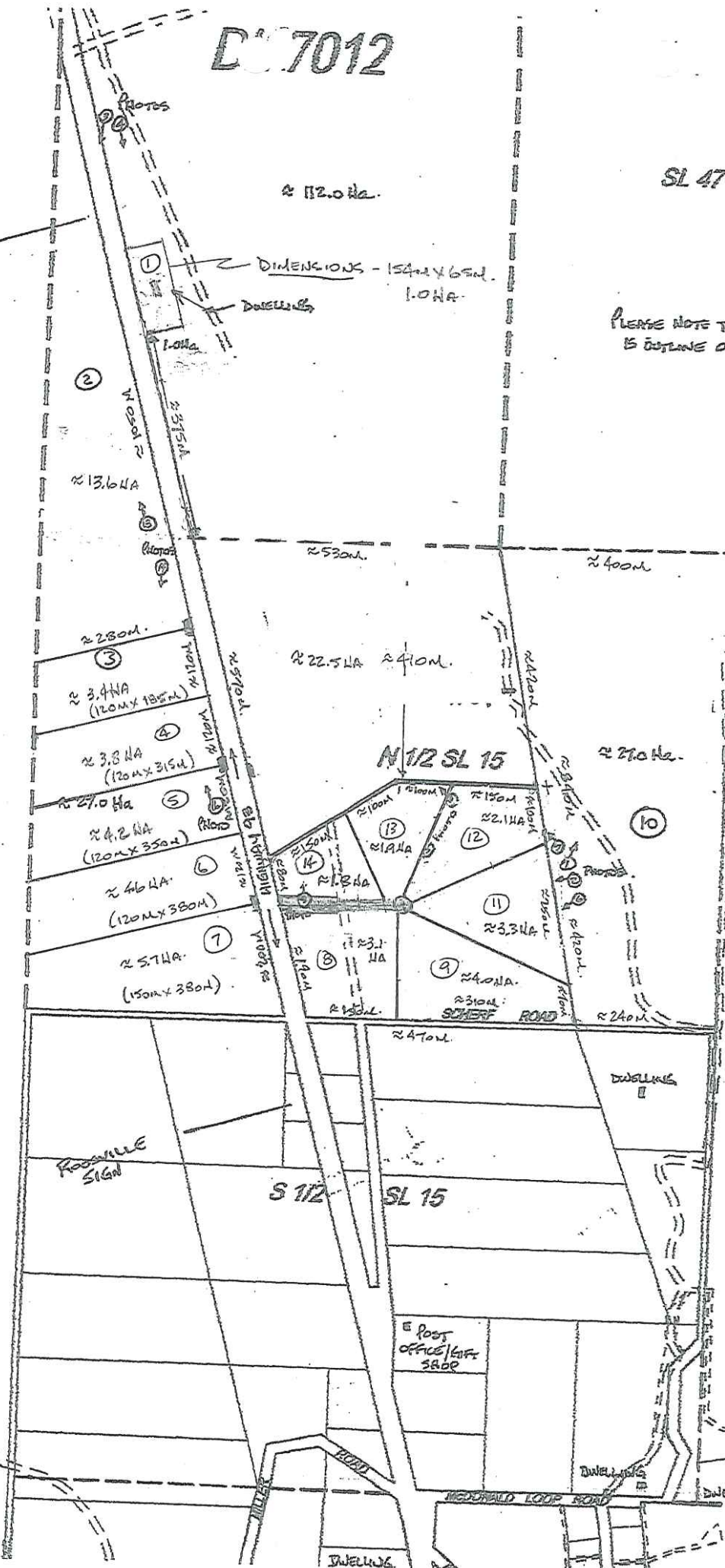
SL 47

ROOSEVELT SIGN

DIMENSIONS - 154m x 65m

DWELLING

PLEASE NOTE THAT LAND USE IS OUTLINE OF THE ATTACHED MAP.



ALC APPLICATION  
 L-38640  
 RESOLUTION  
 # 930/2009  
 SKETCH PLAN

SL 27

SCALE: 1:10,000 M

Miller