



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

September 8, 2005

Reply to the attention of Ron Wallace

Tommy & Connie Marrello
4160 Kays Road
Nelson, BC V1L 6V9

Dear Sir/Madam:

Re: **Application # F-35903**
Lot A, District Lot 6304, Kootenay District, Plan 16816

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your amended application to subdivide ± 1 ha off the northwest corner of the above noted property to create a separate parcel for your son. The amended application is pursuant to section 21(2) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission writes to advise that it approved your amended application to subdivide ± 1 ha off the northwest corner of the above noted property subject to:

- 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 #349/2005.

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:

Erik Karlsen, Chair

cc: Regional District of Central Kootenay (#A504E-08216-006)
Approving Officer, Ministry of Transportation, Nelson
BC Assessment, Nelson

RW/lv
35903d1

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on 10 August, 2005 in Nelson, B.C.

PRESENT: Monika Marshall Chair
 Cheryle Huscroft Commissioner
 Carmen Purdy Commissioner

STAFF: Roger Cheetham, Planning Officer

For Consideration

Ron Wallace presented his staff report dated April 27, 2005 regarding the initial application to construct a second dwelling on the subject property for the applicant's son. The Commission supported this proposal but subsequently received a request on 29 June 2005 to reconsider the application to subdivide ± 1 ha off the northwest corner of the property to create a separate parcel for the applicant's son.

Commission Discussion

The Commission supported the request to reconsider and approve the application for subdivision.

IT WAS

MOVED BY: Commissioner Purdy
SECONDED BY: Commissioner Marshall

THAT the staff report be received and the amended application to subdivide ± 1 ha off the northwest corner of the property to create a separate parcel for the applicant's son be approved.

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

CARRIED



Staff Report
Application # F – 35903-0
Applicant: Tommy & Connie Marrello

DATE PREPARED: April 27, 2005

TO: Chair and Commissioners – Kootenay Panel

FROM: Ron Wallace, Regional Research Officer

PROPOSAL: The initial application was to construct a second dwelling on the subject property for the applicant's son. The applicant's son helps with the work on the property and is of an age that he wants his own home. The proposed location of the house is on the northwest corner of the property that is quite rocky and cannot be used for grazing. In a letter received 29 June 2005 the applicants requested an amendment of the proposal to subdivide approximately 1 ha off the northwest corner of the property to contain the proposed second dwelling.

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

BACKGROUND INFORMATION:

The Commission has previously reviewed and endorsed the exclusion of ALR land in the Blewett area. Based on this review the Commission has supported most applications in this area.

Local Government:

Regional District of Central Kootenay

Legal Description of Property:

PID: 006-811-728
Lot A, District Lot 6304, Kootenay District, Plan 16816;

Purchase Date (m/d/y):

05/09/1986

Location of Property:

4160 Kays Road, Nelson, BC

Size of Property:

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

Present use of the Property:

Used for pasture and residential

Surrounding Land Uses:

NORTH: Forest land
EAST: Forest land
SOUTH: Rural residential
WEST: Pasture land

Agricultural Capability:

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

Official Community Plan and Designation:

N/A

Zoning Bylaw and Designation:

N/A

PREVIOUS APPLICATIONS:

Application #29076-0

Applicant: Marrello, Tommy & Connie
Decision August 10, 1994
Date:
Proposal: 2 properties under application. The western 12 ha requests a 2nd dwelling and the eastern 3.74 ha property is proposed for s/d into 2 equal lots. Approx. 9 ha in ALR. (All of the 3.74 ha property in the ALR)
Decision: Allowed on the grounds that the Commission has previously agreed to the exclusion of the Blewett area from the ALR.

RELEVANT APPLICATIONS:

Application #30285-0

Applicant: King, Joanna
Decision January 30, 1996
Date:
Proposal: Subdivide 3 lots of 0.43 ha each from parcel. One lot will be north of Kay's road and two lots south. Remainder will be north of road.
Decision: Allow, Commission has agreed to endorse exclusion of Blewett

Application #31626-0

Applicant: Provincial Agricultural Land Commission
Decision November 17, 1997
Date:
Proposal: To exclude approximately 400 ha from the ALR in the Blewett area because of poor agricultural capability. This is a Commission initiated block exclusion proposal.
Decision: The Commission tabled the proposal until the Regional District declared its intentions as to how it would determine an appropriate ALR boundary in the Blewett area.

Application #31626-1

Applicant: Provincial Agricultural Land Commission

Decision January 27, 2000

Date:

Proposal: The Agricultural Advisory Commission of Electoral Area E has recommended that only 4.8 ha be excluded from the ALR in Blewett.

Decision: Commission agreed to accept Blewett AACs alternative block exclusion as proposed, but left inclusion component up to RDCK. Commission will defer decisions on any further applications until a plan is completed.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional Board

Forwarded as per Board Resolution 456/98

STAFF COMMENTS:

Allow as requested.

END OF REPORT

Signature

Date