



**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 17, 2006

Reply to the attention of Ron Wallace

R.C. Power & Associates  
2916 - 29<sup>th</sup> Street  
Vernon, BC V1T 5A6

Attention: Rod Power

**Re: Application #F-31718**  
**District Lot 7541, Fractional South ½ of the Fractional North ½ Kootenay**  
**District EXCEPT Parts included in Plans 10223, 8970**

Further to your letter of 9 May 2005 and the Regional District of Central Kootenay's letter of 24 January 2006, the Commission, acting under section 33 of the *Agricultural Land Commission Act*, has reconsidered the above noted application.

The Commission, by Resolution #351/2006, has allowed your request to create a total of six lots on the above noted property. It was felt from the on-site inspection that the property is limited for agricultural use by steep topography and rocky soils and that the proposed subdivision would not be significant to agriculture in the area.

This approval is granted provided that your subdivision is in substantial compliance with the plan attached hereto.

The land referred to in the application continues to be subject to the provisions of the Act and regulations except as provided by this approval.

This approval in no way relieves the owner or occupier of the responsibility of adhering to all other legislation that may apply to the land. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that may have jurisdiction. Before your development can proceed, other approvals may be necessary and we urge you to check with the Regional District of Central Kootenay.

When the final survey plans or documents as required for Land Title purposes have been prepared, please send two paper prints to this office well in advance of commencing registration procedures. The Commission will then authorize the Registrar of Land Titles to accept the application for deposit of the subdivision plan.

Please quote the above application number in any future correspondence.

Yours truly,  
PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc Regional District of Central Kootenay ( #4035-20-A9720K-02288.100)  
RW/lv/Encl./31728d2



**MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION**

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on 26 June 2005 in Nelson, B.C.

**PRESENT:**     Monika Marshall                             Chair  
                  Carmen Purdy                                 Commissioner

**STAFF:**       Ron Wallace, Land Use Planner

**For Reconsideration**

The request for reconsideration was based on a letter dated 9 May 2005 from R.C. Power and Associates on behalf of the property owners' Mr. and Mrs. Sobolewski. The original application was for exclusion of the subject property from the ALR which the Commission refused. However, the Commission did grant permission to subdivide the property into four lots as proposed. At the time no zoning or rural land use bylaw was in effect. Since then Rural Land Use Bylaw 1248 has come into effect, which shows the subject property as Agricultural (8 ha minimum). However, the Regional District has indicated a willingness to change the zoning to R-3 (2 ha minimum). It is the applicants' request to create a total of six lots instead of the four already approved that would be consistent with the new zoning.

**Site Inspection**

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

- Commissioners Marshall & Purdy
- Agricultural Land Commission Staff: Ron Wallace, Land Use Planner
- Agent representing the owner: Ken Marshall, Realtor

The site inspection lasted from 2:30 p.m. to 3:00 p.m.

**Commission Discussion**

The Commission noted from the on-site that the property is limited for agricultural use by steep topography and rocky soils. It was felt the proposal to increase the number of lots from four to six would not be significant to agriculture in the area.

**IT WAS**

**MOVED BY:**             Commissioner M. Marshall

**SECONDED BY:**       Commissioner C. Purdy

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THAT the request for reconsideration to create a total of six lots be received and approved on the grounds that the property is limited for agricultural use by steep topography and rocky soils.

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

CARRIED