



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

March 28, 2006

Reply to the attention of Ron Wallace

John & Marlene Charlesworth
RR1, Site 5B, PO Box 1
3649 Sweet Road
Elko, BC V0B 1J0

Dear Sir/Madam:

Re: Application # L-36426
Lot 6, Block 10, District Lot 132, Kootenay District, Plan 1181

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide the above noted property into two lots of 1.2 ha and 0.8 ha. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank you for taking the time to meet with its representatives on 3 March 2006.

The Commission writes to advise that it approved your application subject to:

- the subdivision being in substantial compliance with the attached plan.
- 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 East Kootenay at your earliest convenience.

The decision noted above is recorded as Resolution **#134/2006**.

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 East Kootenay – P-705-213

RW/lv/Encl./36426d1

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on 21 March 2006 via telephone conference.

PRESENT: Monika Marshall Chair
 Cheryle Huscroft Commissioner
 Carmen Purdy Commissioner

STAFF: Ron Wallace, Regional Research Officer
 Roger Cheetham, Planner

For Consideration

Ron Wallace presented the staff report dated 13 February 2006 regarding application #L-36426, John & Marlene Charlesworth. The application is to subdivide the 2 ha property into two lots of 1.2 ha and 0.8 ha. The applicant proposes to sell the 0.8 ha parcel for residential purposes.

Site Inspection

A site inspection was conducted on 3 March 2006. Those in attendance were:

- Commissioners Marshall, Huscroft & Purdy
- Agricultural Land Commission Staff: Ron Wallace, Regional Research Officer
- Applicant John Charlesworth

The site inspection lasted from 10:45 a.m. to 11:15 a.m.

Commission Discussion

The Commission had no objections to the proposed subdivision as the property has limited agricultural potential due to its small size. It was also noted the local area is rural residential with similar size lots.

IT WAS

MOVED BY: Commissioner C. Purdy
SECONDED BY: Commissioner C. Huscroft

THAT the staff report be received and the application be approved as proposed.

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

CARRIED

NORTH

SCHOOL RD

1

SWEET ROAD

P.7682

12 13 14

7

PROPOSED SUBDIVISION BOUNDARY

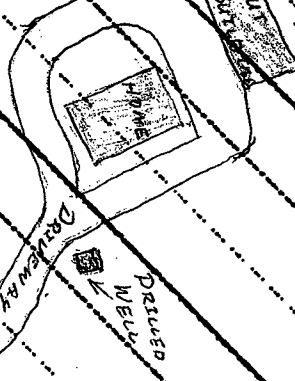
SUBJECT PROPERTY

2 ACRES

3 ACRES

LOT 6 05
BLK 10
DIST 407 132

WOODEN AREA



EXISTING HOME SITE ACCESS

SUBJECT PROPERTY

1

Provincial Agricultural Land Commission
Application: L-36426
Resolution # 134/2006

Approved subdivision of subject property.



Staff Report
Application # L – 36426
Applicant: John & Marlene Charlesworth
Raider

DATE PREPARED: February 13, 2006

TO: Chair and Commissioners – Kootenay Panel

FROM: Ron Wallace, Regional Research Officer

PROPOSAL: To subdivide the 2 ha property into two lots of 1.2 ha and 0.8 ha. The applicant proposes to sell the 0.8 ha parcel for residential purposes.

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

BACKGROUND INFORMATION:

No previous applications.

Local Government:

Regional District of East Kootenay

Legal Description of Property:

Lot 6, Block 10, District Lot 132, Kootenay District, Plan 1181

Purchase Date (m/d/y):

04/16/1973

Location of Property:

3649 Sweet Road, ~~Elko~~, BC

Size of Property:

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

Present use of the Property:

The property is used for residential purposes. The eastern portion of the property has a home and the western area is used as pasture.

Surrounding Land Uses:

WEST: Residence
SOUTH: Residence
EAST: Seasonal residence
NORTH: Residence

Agricultural Capability:

Data Source: Agricultural Capability Map # 82G/3
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

None

Zoning Bylaw and Designation:

None

PREVIOUS APPLICATIONS:

Application #09010-0

Applicant: Guse, R & V
Decision Date:
Proposal:
Decision:

RELEVANT APPLICATIONS:

Application #31513-0

Applicant: Harris, Gerald & Rochelle
Decision Date: November 17, 1997
Proposal: Requests permission to continue the operation of a cafe constructed on the 8.3 acre property without Commission or Regional District approval.
Decision: Allow as proposed.

Application #31513-1

Applicant: Harris, Gerald & Rochelle
Decision Date: May 29, 1998
Proposal: Propose to construct an addition to the existing store of approximately 1500 sq ft. Commission originally considered a request to legalize a cafe which had been started and allowed this.
Decision: Allowed as requested.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional Board

The Regional Board adopted a resolution in support of the application for subdivision within the ALR.

Advisory Planning Commission

The APC for Area B supports the application as it conforms with surrounding parcels.

Agricultural Advisory Committee

The AAC supports the application as presented.

STAFF COMMENTS:

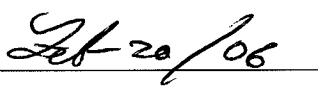
Staff recommends that the Commission consider the following:

- The size of the subject property is typical of other lots in the local area.
- With no planning in the area, an approval for the proposed subdivision would set a precedent for similar applications.

END OF REPORT



Signature



Date