



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 12, 2006

Reply to the attention of Ron Wallace

Ward Weger
RR #2, Site 20, Comp 3
3440 Bedford Road
Nelson, BC V1L 5P5

Dear Sir:

Re: **Application #F - 36730**

That part of Lot 6, District Lot 5079, Kootenay District, Plan 855, Lying East of a Line Parallel to and 165 Feet Perpendicularly Distant West from the East Boundary of the Said Lot

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to exclude the above noted property from the ALR. The application was submitted pursuant to section 30(1) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank you for taking the time to meet with its representatives on June 27, 2006.

The Commission writes to advise that it approved your application. The above noted property shown on the attached map is excluded from the Agricultural Land Reserve Plan of the Regional District of Central Kootenay. By way of a copy of this letter the Registrar of Land Titles has been apprised of this decision and authorized to remove the ALR notation from the Certificate of Title.

The decision noted above is recorded as Resolution **#354/2006**.

It is a condition of this approval that the owner or occupier must 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. The Commission suggests you contact the Regional District of Central Kootenay at your earliest convenience.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

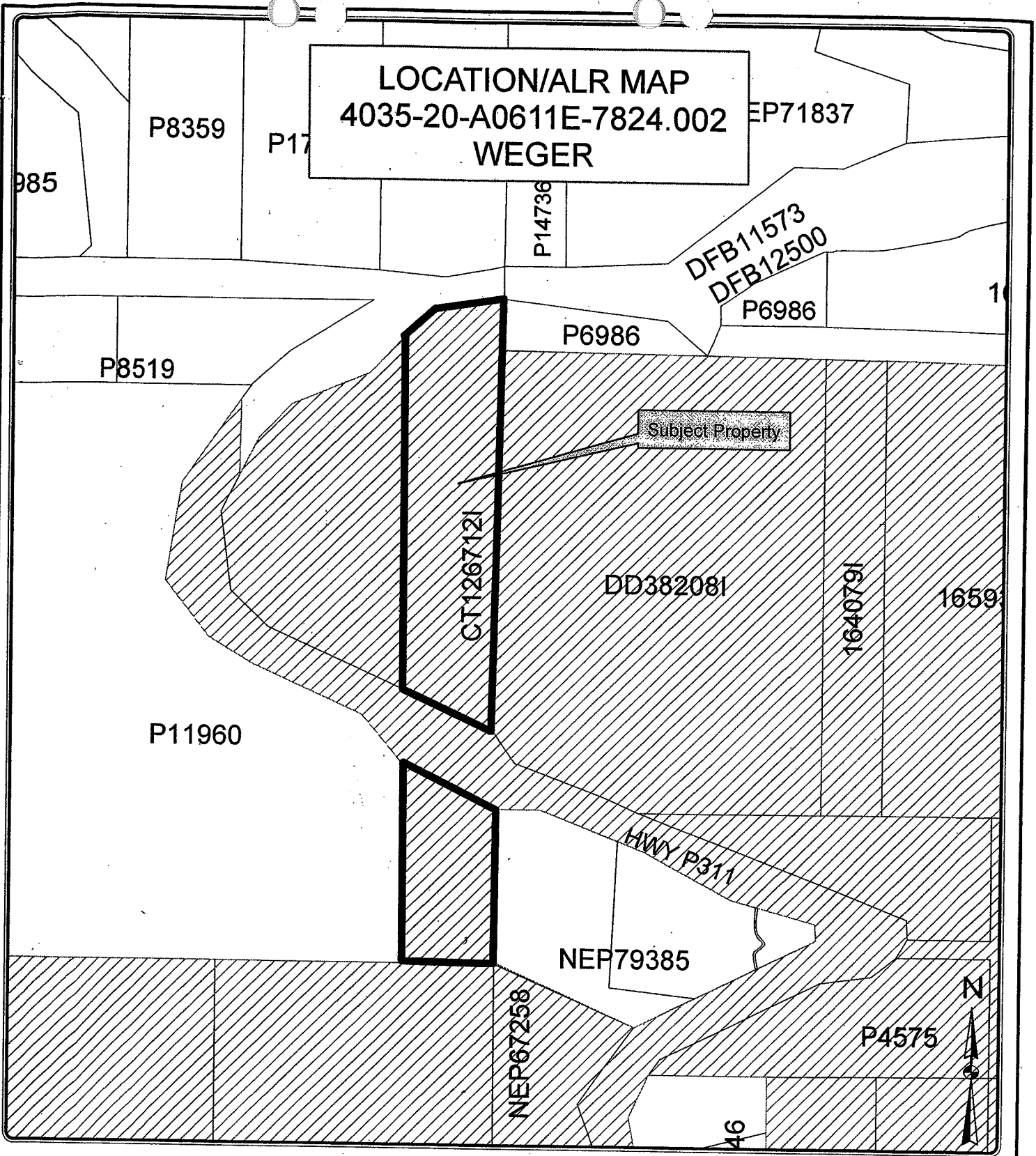
Per:

Erik Karlsen, Chair

cc: Regional District of Central Kootenay (# A0611E-07824002)
Land Title Office - Kamloops

RW/lv/Encl.

LOCATION/ALR MAP
 4035-20-A0611E-7824.002
 WEGER



Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4
 Phone: (250) 352-6665 Toll-Free 1-800-268-7325 (BC)
 Fax: (250) 352-9300 Internet: www.rdck.bc.ca

The mapping information shown are approximate representations and should only be used for reference purposes. The Regional District of Central Kootenay is not responsible for any errors or omissions on this map.

Provincial Agricultural Land Commission
 Application: F-36730
 Resolution #354/2006



1.6 ha subject property approved for exclusion from the ALR.

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on June 27, 2006 in Cranbrook, B.C.

PRESENT: Monika Marshall Chair
 Carmen Purdy Commissioner

STAFF: Ron Wallace, Land Use Planner

For Consideration

Ron Wallace presented the staff report dated May 29, 2006 regarding application #F-36730, Ward Weger. The application is to exclude the 1.6 ha property from the ALR.

Site Inspection and Exclusion Meeting

A site inspection was conducted on June 27, 2006. Those in attendance were:

- Commissioners Marshall & Purdy
- Agricultural Land Commission Staff: Ron Wallace, Land Use Planner
- Applicant Ward Weger

The site inspection lasted from 8:00 a.m. to 8:20 a.m.

Commission Discussion

The Commission supported the proposed exclusion based on the property's limited agricultural potential and based of the Commission's previous decisions to support exclusions in the Blewett area.

IT WAS

MOVED BY: Commissioner M. Marshall

SECONDED BY: Commissioner C. Purdy

THAT the staff report be received and the application to exclude the 1.6 ha property from the ALR be approved as recommended.

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

CARRIED



**Staff Report
Application # F – 36730
Applicant: Ward Weger**

DATE RECEIVED: May 29, 2006

DATE PREPARED: June 12, 2006

TO: Chair and Commissioners – Kootenay Panel

FROM: Simone Rivers, Regional Research Officer

PROPOSAL: To exclude the 1.6 ha property from the ALR.

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The applicant proposes to remove the property from the ALR because it is not farmland. If removed he plans to subdivide it into 3 lots of approximately 0.5 ha each.

The applicant has previously applied to subdivide and exclude other property that he owns in the area. These applications were approved.

Local Government:

Regional District of Central Kootenay

Legal Description of Property:

PID: 016-016-599

That part of Lot 6, District Lot 5079, Kootenay District, Plan 855, Lying East of a Line Parallel to and 165 Feet Perpendicularly Distant West from the East Boundary of the Said Lot

Purchase Date:

December 2005

Location of Property:

Bedford Road, Blewett

Size of Property:

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

Present use of the Property:

Residential (one house and a small shed.)

Surrounding Land Uses:

WEST: Residential with sloping pasture (ALR)

SOUTH: Residential with sloping pasture (ALR)

EAST: Pasture (Hobby Farm) (ALR)

NORTH: Residential (non-ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 82F.043

The majority of the property is identified as having Secondary ratings.

RELEVANT APPLICATIONS:

Application #06496-0

Applicant: Regional District of Central Kootenay

Decision Date: August 24, 1978

Proposal: To review and refine the ALR boundaries through public information meetings.

Decision: After review in the field and a Public Hearing meeting held, the 3,554.7 ha area requested for exclusion from the ALR was approved. Exclusion allowed by Cabinet.

Application #06496-1

Applicant: Agricultural Land Commission & Regional District of Central Kootenay

Decision Date: August 24, 1978

Proposal: To include 161.9 ha

Decision: Cabinet approved inclusion by OIC (161.9 ha).

Application #27190-0

Applicant: Cutler, Rick & Watkin, Linda

Decision Date: June 24, 1993

Proposal: To exclude 6.8 ha to facilitate subdivision into residential lots

Decision: Allowed, the Commission agreed to endorse exclusion of Blewett by individual applications or block exclusion following 1987 agricultural capability study

Application #28509-0

Applicant: Horswill, M.

Decision Date: October 27, 1993

Proposal: To exclude 15 ha which is the ALR portion of a 30 ha parcel in order to construct chalets for rental accommodation for tourist.

Decision: Allowed, low agricultural capability. The Commission agreed to endorse exclusion of Blewett in 1987 by individual or block application following an ALR review

Application #31626-0

Applicant: Provincial Agricultural Land Commission
Decision Date: November 17, 1997
Proposal: To exclude approximately 400 ha from the ALR in the Blewett area because of poor agricultural capability. This was 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 Date: January 27, 2000
Proposal: The Agricultural Advisory Commission of Electoral Area "E" has recommended that only 4.8 ha be excluded from the ALR in Blewett.
Decision: The Commission accepted the Blewett AAC's alternative block exclusion as proposed, but left the inclusion component up to Regional District. The Commission deferred decisions on any further applications until a plan was completed.

Application #33753-0

Applicant: Weger, Ward
Decision Date: July 31, 2001
Proposal: To subdivide the subject property into two lots of 1.4 ha and a remnant lot of 3.2 ha. The applicant feels that the subdivision proposed is no more dense than the existing lots in the area.
Decision: Refused as proposed. The Commission believed that the subdivision as proposed would limit the property's agricultural potential.

Application #33753-1

Applicant: Weger, Ward
Decision Date: November 16, 2001
Proposal: Request for reconsideration of original proposal to subdivide the 6 ha property into 2 lots of 1.4 ha and one of 3.2 ha.
Decision: Allowed as requested on the grounds that the proposal was consistent with past decisions in the area.

Application #34537-0

Applicant: Weger, Ward
Decision Date: October 10, 2002
Proposal: To exclude two parcels (total 7.2 ha) from the ALR to enable the owner to build a second home on the property without subdivision.
Decision: Allowed on the grounds that the decision is consistent with past decision making in the Blewett area.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District of Central Kootenay Board: The local government report states the following:
Referred to the Area Director, a Regional Board resolution may follow in due course.

STAFF COMMENTS:

This application appears to be consistent with recent decisions in the Blewett area. The applicant has previously excluded 7.2 ha of adjacent property. These exclusions were allowed on the grounds the land had limited agricultural potential.

END OF REPORT

Simone Rivers
Signature

June 16, 2006
Date