

July 14, 2008

Reply to the attention of Jennifer Carson
ALC File: F-38185

Philip King
4060 Kays Road
Nelson, BC V1L6V9

Dear Mr. King:

Re: Application for Non-Farm Use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 384/2008 outlining the Commission's decision as it relates to the above noted application.

The Commission draws your attention to sections 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration. Please note the very specific requirements for reconsideration.

- S.33(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.
- (2) The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.

A revised proposal does not constitute new information and will not be considered as a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this decision.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of Central Kootenay (A0816E-08217-010)

Enclosure: Minutes



A meeting was held by the Provincial Agricultural Land Commission on July 8, 2008 in Cranbrook, B.C.

PRESENT:	Monika Marshall	Chair, Kootenay Panel
	Carmen Purdy	Commissioner
	D. Grant Griffin	Commissioner
	Erik Karlsen	Commissioner
	Jennifer Carson	Staff

For Consideration

Application: # F- 38185
Applicant: Philip King
Proposal: Non-farm use to renovate an existing shop building for a family member.
Legal: PID: 015-307-794
Lot B, District Lot 6304, Kootenay District, Plan 901, Except Plan NEP60497
Location: 4060 Kays Road, Nelson

Site Inspection

The Commission did not conduct a site inspection.

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

Conclusion

By Resolution # 794/1987 the Commission indicated its endorsement of the Blewett area being given consideration for exclusion from the Agricultural Land Reserve. At this time the Commission also indicated that it can be anticipated that future decisions by the Commission regarding applications within the Blewett area will reflect the above noted Resolution.

IT WAS

MOVED BY: Commissioner Marshall

SECONDED BY: Commissioner Griffin

THAT the application be allowed.

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 # 384/2008