



Agricultural Land Commission
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May 20, 2009

Reply to the attention of Roger Cheetham
ALC File: **Q-37065**

Eric and Dawn Dalla Lana
SS1 - Site 2, Comp 4 - 1085 Columbia Gardens Road
Fruitvale, BC V0G1L0

Dear Eric and Dawn Dalla Lana:

Re: Application to subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #162/2009 outlining the Commission's decision as it relates to the above noted application.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the printed name below.

Erik Karlsen, Chair

Enclosure: Minutes

cc: Regional District of Kootenay-Boundary (A-8385-09322-200)

RC/
i/37065d2



A meeting was held by the Provincial Agricultural Land Commission on April 30, 2009 in Cranbrook, B.C.

PRESENT:	Erik Karlsen	ALC Chair
	Barry Minor	Chair, Kootenay Panel
	Carmen Purdy	Commissioner
	Jerry Thibeault	Commissioner
	Roger Cheetham	Staff

For Consideration

A request for reconsideration of Commission decision under Resolution Number 237/2007 was received on 26 January 2009. The grounds for reconsideration were founded on additional information being provided with regard to water availability. It was pointed out that the water supply from Linnie Creek ceased in July 2007 and the water rights from Linnie Creek and Leitch Brook are insufficient to provide irrigation for the existing parcel. It is also pointed out that the neighbours have access to water rights on the property.

Application:	# Q- 37065
Applicant:	Eric and Dawn Dalla Lana
Original proposal:	To subdivide the subject property into one (1) lot of 4 ha for the development of a hobby farm, with one (1) remainder lot of 21 ha.
Original decision:	Approved subject to the following conditions: <ul style="list-style-type: none">• the subdivision be in substantial compliance with the plan submitted with the application, with the exception that the new lot encompass the field intact, approximately following the tree line• water rights are made available for the new lot• the subdivision must be completed within three (3) years from the date of this decision.
Current proposal:	To reconsider the request remove the condition that requires that water rights be made available to the new lot on the grounds that there is insufficient water availability to irrigate the property.
Legal:	PID: 023-322-632 Lot A, District Lot 8385, Kootenay District, Plan NEP22844, EXCEPT Plan NEP75412
Location:	1085 Columbia Gardens Road, Fruitvale

Discussion

In the light of the new information the Commission considered that the requirement that water rights be made available to the new lot was impractical. It was further considered that the removal of this requirement did not have any major implications with regard to future agricultural potential.

IT WAS

MOVED BY: Commissioner B. Minor

SECONDED BY: Commissioner C. Purdy

THAT for the purposes of Section 33(2) of the *Agricultural Land Commission Act*, there are no persons it considers affected by the reconsideration.

AND THAT the request for the removal of the second condition requiring that water rights be made available to the new lot be approved.

AND THAT all other conditions of approval under Resolution #237/2007 must be met.

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 #162/2009