



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

August 30, 2012

Reply to the attention of Lily Ford
ALC File 52765

Patrick and Marlene Evers
c/o Todd Eveland, Pennco Engineering Ltd.
Suite C, 505 Vernon Street
Nelson, BC
V1L 4E9

Dear Mr. and Ms. Evers:

Re: Application to Subdivide in the Agricultural Land Reserve

Please find attached Minutes of Resolution # 300/2012 outlining the Commission's decision as it relates to the above noted application. A copy of the sketch plan submitted with your application, and referenced in the minutes, is also enclosed.

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.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:



Richard Bullock, Chair

Enclosure: Minutes/Sketch Plan

cc: Regional District of Central Kootenay

LF/52765d1



Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on August 30, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, BC.

FOR CONSIDERATION

Application:

(Submitted pursuant to section 21(2) of the Agricultural Land Commission Act)

Application: 52765
Applicant: Patrick and Marlene Evers
Agent: Todd Eveland, Pennco Engineering Ltd.
Proposal: Request to subdivide the 3.9 ha ALR portion of a 6.7 ha parcel into one 3.5 ha parcel and a 0.4 ha remainder.
Legal: Lot D, District Lot 819, Kootenay District, Plan NEP62379
Location: 9475 Shutty Bench Road, Shutty Bench
Background: The proposed line of subdivision follows Highway 31, and would separate the 0.4 ha of ALR land located immediately west of the highway from the remaining 3.5 ha ALR area located east of the highway. The 0.4 ha ALR area located west of the highway consists of a linear strip of steep wooded hillside.
Attachment: Resolution #016N/2011

DELEGATION OF DECISION-MAKING TO THE CHIEF EXECUTIVE OFFICER (CEO)

On June 27, 2011 the Commission delegated decision-making to the CEO by Resolution #016N-2011 (File: 135-45/ALC/CEO/APPL). In accordance with section 27 of the *Agricultural Land Commission Act* the Commission has specified that the following applications may be decided by the CEO.

Criterion 14

Exclusion, subdivision, non-farm use and inclusion applications that are not consistent with any of the existing approved criterion (Criterion 1 – 13) but nonetheless is minor in nature and in the opinion of the CEO, the interests of the Commission would be unaffected by an approval of the application.

DECISION:

After reviewing the entire file material, I, Richard Bullock, Chief Executive Officer of the Commission, am satisfied that the proposal is consistent with Criterion #14 of Resolution #016N/2011 and approve the application on behalf of the Commission.

Approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application.
- the subdivision must be completed within three (3) years from the date of this decision.



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.

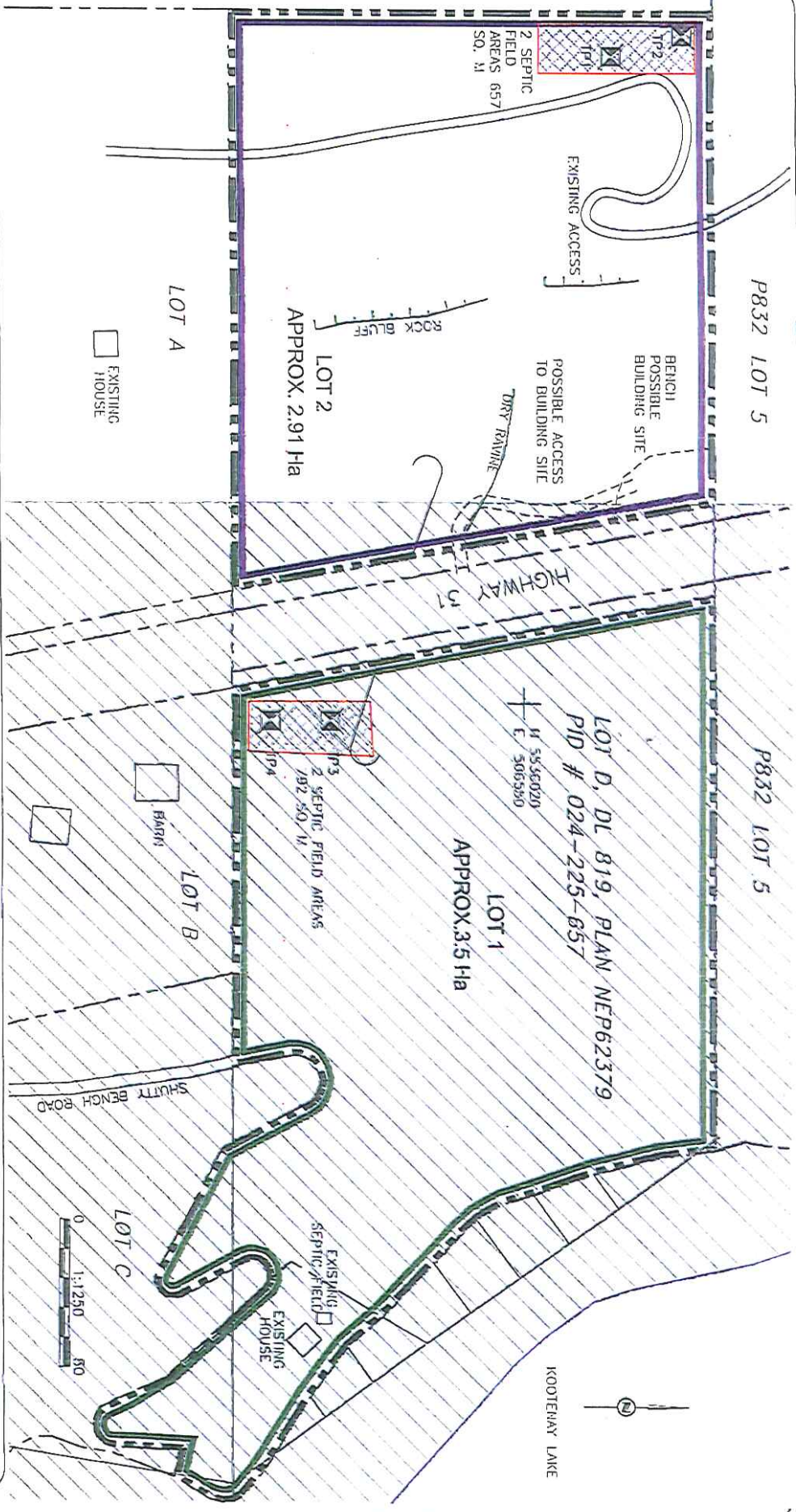
RESOLUTION # 300/2012

I CERTIFY THAT THIS IS A TRUE RECORD OF THE DECISION

A handwritten signature in black ink, appearing to read 'Richard Bullock', written over a horizontal line.

Richard Bullock, Chief Executive Officer

 TESPFI LOCATION
 PROPOSED SEPTIC FIELD FOR SUBDIVISION
 LAND IN THE AGRICULTURAL LAND RESERVE



645010 CONSULTANT
PERINCO ENGINEERING LTD.
 CONSULTING ENGINEERS
 414-6-818 First Street
 Victoria, BC V8L 1A8
 Tel: (250) 351-0112
 Fax: (250) 351-0113
 Bp 11: 12597604048

EVERS SUBDIVISION LOT LAYOUT
 Project No. 11-978
 Date: 11/25/11
 Date: FEB 21, 2012

DESIGNED BY: JAV
 CHECKED BY: JAV
 DATE: JUN 1, 2012

DATE: JUN 1, 2012