



Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
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September 21, 2007

Reply to the attention of Simone Rivers
ALC File: #ZZ - 37046

Beverley Baker and Lidio Daneluzzi
1573 - East 10th Avenue
Vancouver, BC V5N 1X6

Dear Ms. Baker and Mr. Daneluzzi:

Re: Application to Subdivide land in the Agricultural Land Reserve

This is further to your letter received June 11, 2007 in which you asked the Provincial Agricultural Land Commission to reconsider Resolution #188/2007.

The Commission has reconsidered the matter and has attached the Minutes of Resolution #457/2007 outlining its latest decision.

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:

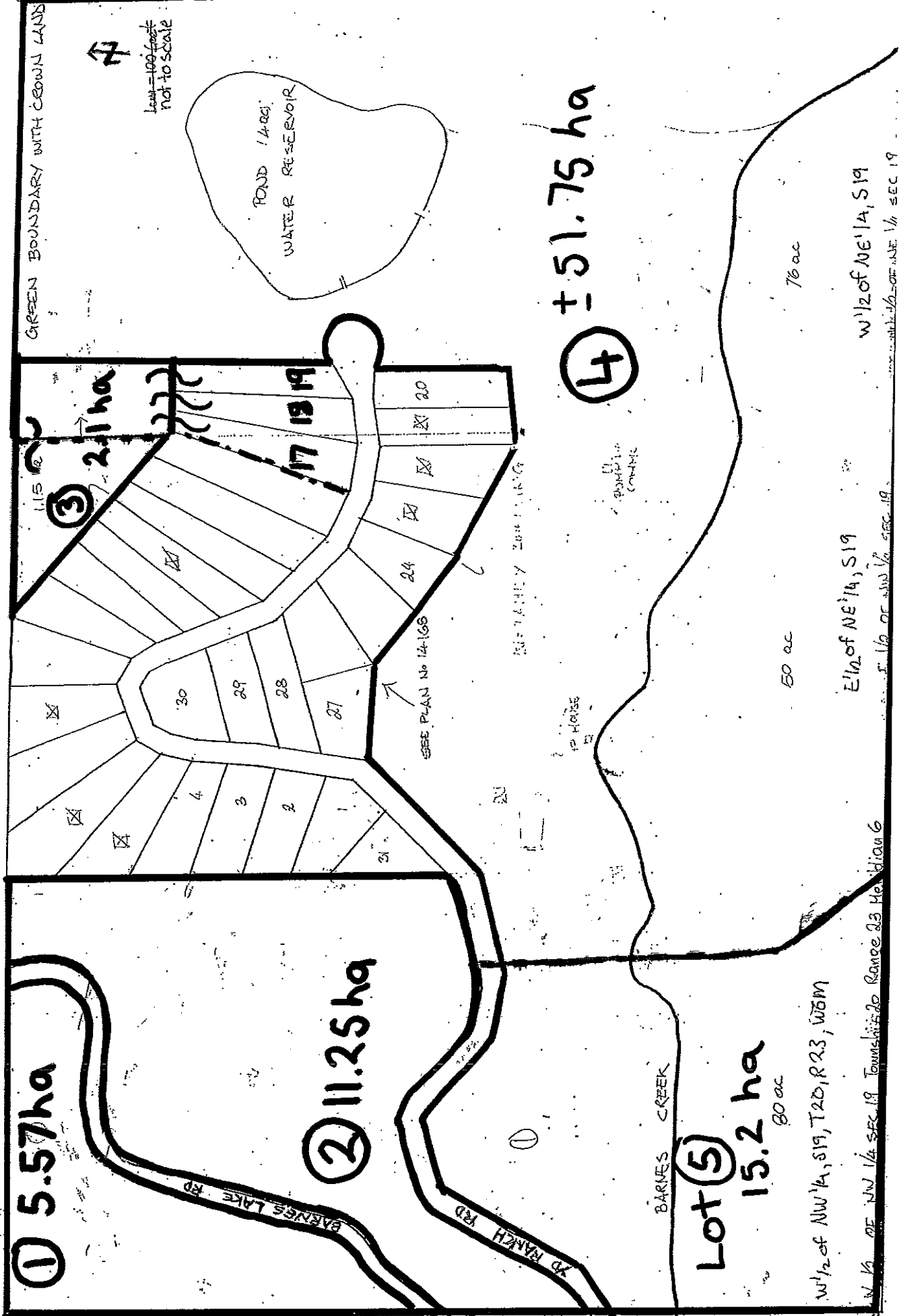
Erik Karlsen, Chair

cc: Thompson-Nicola Regional District (ALR-I-77)

Enclosure: Minutes/Sketch Plan

SBR/lv
37046d2.

Resolution # 457/2007
 Application # ZZ-37046



① 5.57ha

② 11.25ha

③ 2.1ha

④ ±51.75 ha

Lot ⑤
 15.2 ha
 80 ac

GREEN BOUNDARY WITH CROWN LANDS

1 inch = 100 feet
 not to scale

POND WATER RESERVOIR

SEE PLAN No 12-165

MUNICIPALITY ZONING

HOUSE

POINTING
 CORNER

BARNES CREEK

50 ac

76 ac

W 1/2 of NW 1/4, S19, T20, R23, W6M

E 1/2 of NE 1/4, S19

W 1/2 of NE 1/4, S19

N 1/2 of NW 1/4 SEC 19 Township 20 Range 23 Meridian 6

W 1/2 of NW 1/4 SEC 19

W 1/2 of NE 1/4 SEC 19



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 17, 2007 by Telephone Conference Call.

PRESENT:	Grant Huffman	Chair, Interior Panel
	Holly Campbell	Commissioner
	Gordon Gillette	Commissioner
	Simone Rivers	Staff
	Martin Collins	Staff

For Consideration

A letter from Lidio Daneluzzi, received on June 11, 2007 requesting that the Commission reconsider its decision recorded as Resolution # 188/2007.

Application: # ZZ- 37046
Applicant: Beverley Baker and Lidio Daneluzzi
Legal: 1. PID: 001-887-947
The West 1/2 of the North West 1/4, Section 19, Township 20, Range 23, W6M, Kamloops Division of Yale District, as shown on Plan of said Township dated the 30th of August, 1920
2. PID: 001-887-980
The East 1/2 of the North West 1/4, Section 19, Township 20, Range 23, W6M, Kamloops Division of Yale District, EXCEPT Plan 14168
3. PID: 001-887-998
The West 1/2 of the North East 1/4, Section 19, Township 20, Range 23, W6M, Kamloops Division of Yale District, EXCEPT Plan 14168
Location: Barnes Lake Road, near Ashcroft

Original Proposal: To subdivide a 1.1 ha triangle from the E 1/2 of NW 1/4 Section 19 (now separated from the lower 20.5 ha) to the adjacent W 1/2 of NE 1/4 Section 19, or join it to one or more of the three adjoining residential lots (17,18,19) creating larger acreages more suitable to recreational agricultural activities.

To subdivide the 32 ha W 1/2 of the NW 1/4 of Sec. 19 into three lots as divided by the existing roads (to create two 11 ha lots and a 5.5 ha lot). All or part of the one of the 11 ha lots would be used to increase the size of the adjoining small lots so they are more suitable to recreational agricultural activities.

Commission Discussion

The Commission reviewed the reconsideration request submitted by Mr. Daneluzzi as well as all of the file material at its meeting in Kamloops on August 23, 2007, including the different proposed subdivision configurations proposed by the applicant. After discussion it agreed to reconsider the decision and finalized its decision on September 17, 2007 by telephone conference call.

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission was concerned with impact of additional residences in this grazing area believing that trespass and grassland degradation would increase. The Commission recalled that it has refused two previous subdivision requests along Barnes Lake Road in the recent past. In one case a proposal to subdivide three 16.2 ha properties into 10 lots of approximately 4 ha each was refused. In another case a proposal to subdivide the 65 ha subject property into four lots was refused but a two lot subdivision using Barnes Lake Road as a dividing line was allowed. In both of these cases the Commission was concerned about the impact that the subdivisions would have on surrounding agricultural uses and grazing.

The Commission acknowledges that the property configurations in this area are unique due to the thirty 0.4 ha lots that were subdivided prior to the establishment of the ALR. The Commission recalled that Mr. Daneluzzi owns 17 of these lots and in its original decision took the view that the biggest benefit to agriculture in the area would come from the elimination, by consolidation, of as many of the small lots as possible. The Commission understood that Mr. Daneluzzi was planning on selling the small lots with the larger lots if they were created (although he had not offered to consolidate them). The Commission believed that consolidation was a better option and would outweigh the negative impact of allowing limited subdivision of the larger lots (allowing the creation of 4 lots where there had been 3). In reviewing this application and taking into account the small and larger lots that Mr. Daneluzzi owns, the Commission considered Section 23(1) of the *Agricultural Land Commission Act* which applies to the 17 small lots that Mr. Daneluzzi owns.

"Restrictions on the use of agricultural land do not apply to land that, on December 21, 1972, was, by separate certificate of title issued under the Land Registry Act, R.S.B.C. 1960, c. 208, less than 2 acres in area."

The Commission noted that due to Section 23(1) the small 0.4 ha lots are not subject to the *Agricultural Land Commission Act*. Therefore, while the Commission believes that the consolidation of the 0.4 ha lots has the potential to reduce the overall residential density and therefore be beneficial to agriculture, upon reconsideration the Commission believes that it was not necessary to have included consolidation of the small lots into the conditions of approval. Due to the fact that the small lots are not subject to the restrictions of the act, the Commission will not require that they be consolidated with any of the larger properties except as outlined below.

IT WAS

MOVED BY: Commissioner Gillette
SECONDED BY: Commissioner Campbell

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

AND That the Commission would allow the subdivision of a 5.5 ha lot, an 11 ha lot and a 15.2 ha lot from the W ½ of the NW ½ of Section 19, Township 20, Range 23, W6M KDYD as divided by Barnes Lake Road and YD Ranch Road subject to the consolidation of the E ½ of the NE ¼ of Section 19 and the W ½ of the NE ¼ of Section 19 to form one lot of 51.8 ha. The Commission would also allow the subdivision of approximately 2.1 ha from the northeast corner of the E ½ of the NE ¼ of Section 19 and the northwest corner of the W ½ of the NE ¼, Section provided this is consolidated with Lots 17, 18 and 19 all of Section 19, Township 20, Range 23, West of the 6th Meridian, Kamloops Division Yale District, Plan 14168 by legal survey in order to provide legal access to the area without the construction of additional access roads through the W ½ of the NE ¼ of Section 19. The resulting lot would be approximately 3.6 ha in size.

AND THAT staff prepare a sketch plan illustrating the Commission's decision as it relates to this resolution.

AND finally that the subdivision must be completed within three (3) years from the date of this decision.

CARRIED
RESOLUTION # 457/2007



**Reconsideration Request
Application # ZZ – 37046
Applicants: Beverley Baker and Lidio Daneluzzi**

DATE RECEIVED: June 11, 2007

DATE PREPARED: April 2, 2007

TO: Chair and Commissioners – Interior Panel

FROM: Simone Rivers, Land Use Planner,

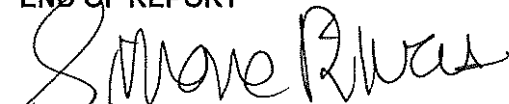
BACKGROUND INFORMATION:

The Commission has received a request for reconsideration from Mr. Daneluzzi.

ATTACHMENTS:

- Reconsideration request – received June 11, 2007.
- Letter and Minutes of Commission Resolution # 188/2007
- Supplementary information sent to Commission after initial site visit (dated April 2, 2007) including sketch map.
- Staff Summary Report (dated January 22, 2007) and Letter sent to the applicant after initial site visit.
- Context map showing previous decisions discussed in staff report.
- ALC Context Map – 92L.075 – 1:20,000 (created by ALC Staff)
- Airphoto – 1:10,000 (created by ALC Staff)
- Agricultural Capability Map

END OF REPORT



Signature



Date