



Agricultural Land Commission
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July 3, 2008

Reply to the attention of Simone Rivers
ALC File: ZZ-38146

Gerald and Denise Desilets
11511 Highway 97C North
Merritt, BC V1K1M6

Dear Mr. and Mrs. Desilets:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 369/2008 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 that reads 'Simone Rivers'. The signature is written in a cursive, flowing style.

Erik Karlsen, Chair

cc: Thompson-Nicola Regional District (ALR-M-60)

Enclosure: Minutes/Sketch Plan

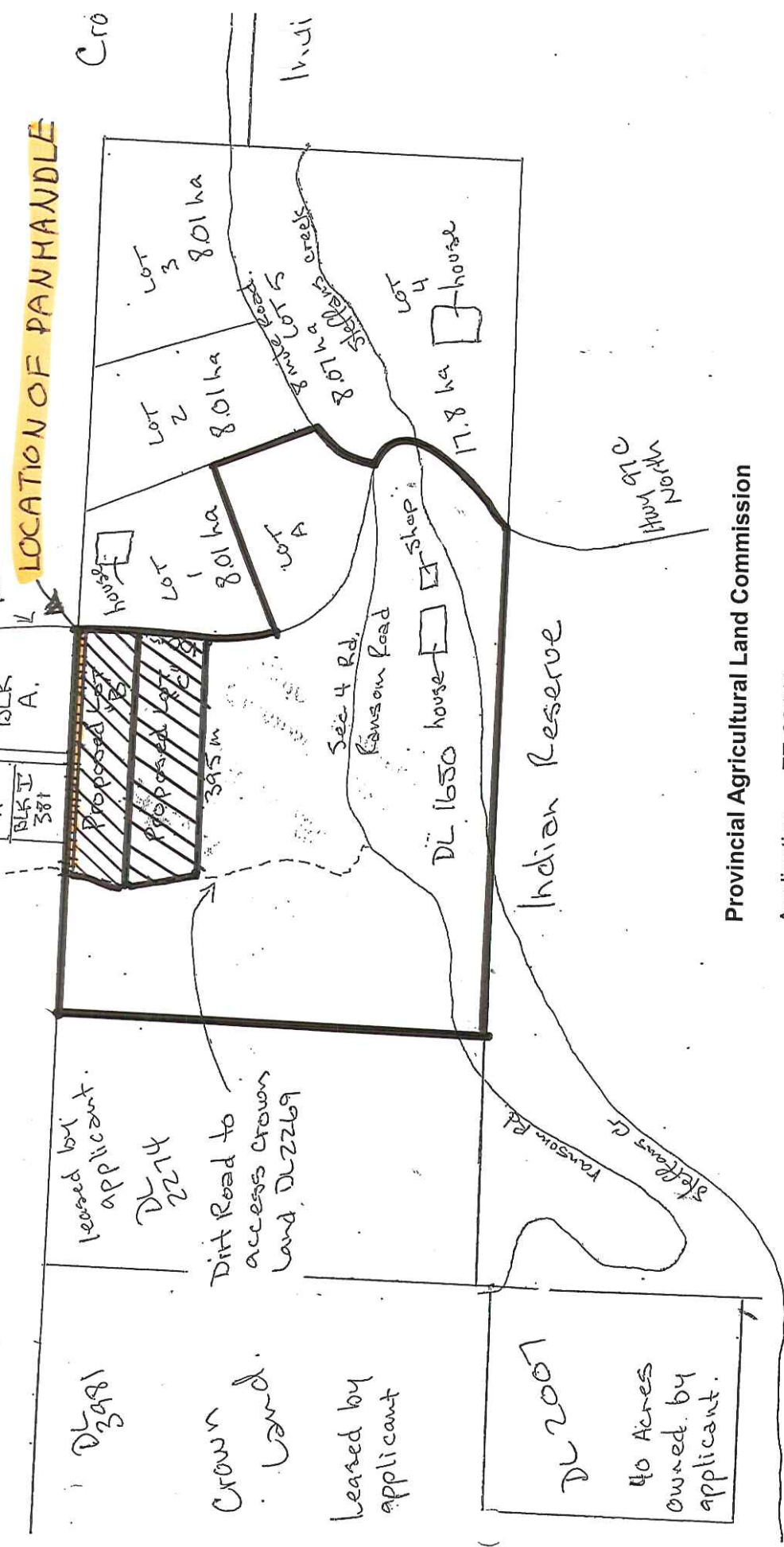
SBR/
i/38146d1

DL 2207
CROWN LAND.
Leased by applicant

DL 2208
Crown Land.
Leased by applicant




DL 2209
40 Acres
Owned by applicant.

* Proposed
* Proposed L



Provincial Agricultural Land Commission

Application ZZ-38146
Resolution # 369/2008

-  Subject Property
-  Approved subdivision into two (2) 4 ha lots
-  Approved location for panhandle access to non-ALR portion of property.



A meeting was held by the Provincial Agricultural Land Commission on June 25, 2008 at the Plaza Heritage Hotel, Kamloops.

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

For Consideration

Application: # ZZ- 38146
Applicant: Gerald and Denise Desilets
Proposal: To subdivide the 68.9 subject property to create two (2) 4 ha parcels on the property.
Legal: PID: 013-161-245
District Lot 1650, Kamloops Division of Yale District, Except Plans KAP77913 and KAP78409
Location: 11511 Highway 97C, North of Merritt

Site Inspection

A site inspection was conducted on June 25, 2008. Those in attendance were:

- Grant Huffman Chair, Interior Panel
- Holly Campbell Commissioner
- Gordon Gillette Commissioner
- Simone Rivers Staff
- Gerald Desilets Staff

The Commission viewed the property with the applicant and noted that it was in an arid area and that the land proposed for subdivision was rather hilly. The applicant pointed out that a portion of the property was outside of the ALR and asked the Commission to consider if they would allow access to these lands at the same time as they considered their subdivision.

Mr. Desilets confirmed that the staff report dated June 6, 2008 was received and pointed out that the maps in the application did not reflect the previously approved subdivision, which had been mostly completed. The majority of the subject property now lay west of the highway. One lot from the original subdivision remained to be subdivided pending an agreement with the Ministry of Transportation about a revised layout for the highway.

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.

Discussion

Assessment of Agricultural Capability

The agricultural capability of the soil of the subject property is largely Class 5 and 6.
Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

The Commission believed that the subject property had limited agricultural capability.

Assessment of Agricultural Suitability

The Commission assessed whether external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external factors that render the land unsuitable for agricultural use.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission noted that there is a small lot subdivision to the north of the subject property and that it had previously allowed the subdivision of the portion of the property located east of the highway into 8 ha lots. The Commission does not believe the proposal would impact existing or potential agricultural use of surrounding lands.

Assessment of other Factors

The Commission discussed the applicant's request that it consider how access to the non-ALR portion of the property to the east might be accessed. The Commission discussed the possibilities and would support a panhandle along the northern boundary of the subject property (along the north edge of proposed Lot B) to access these lands. The Commission does not support the creation or dedication of a public road to access these lands.

Conclusions

1. That the land under application has limited agricultural capability
2. That the land under application is suitable for agricultural use.
3. That the proposal will not impact agriculture.

IT WAS

MOVED BY: Commissioner Huffman
SECONDED BY: Commissioner Gillette

THAT the application to subdivide two 4 ha lots from the subject property be allowed as proposed.

AND THAT the Commission would allow access to the non-ALR portion of the property by way of a panhandle along the northern boundary of the subject property.

AND THAT the 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.

CARRIED
Resolution # 369/2008