



Agricultural Land Commission
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November 4, 2008

Reply to the attention of Brandy Ridout
ALC File: **H-38405**

Frank Rizzardo
Emcon Services Inc
105 - 1121 McFarlene Way
Merritt, BC V1K1B9

Dear Mr. Rizzardo:

Re: Application for Transportation Use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #670/2008 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the 'Per:' label.

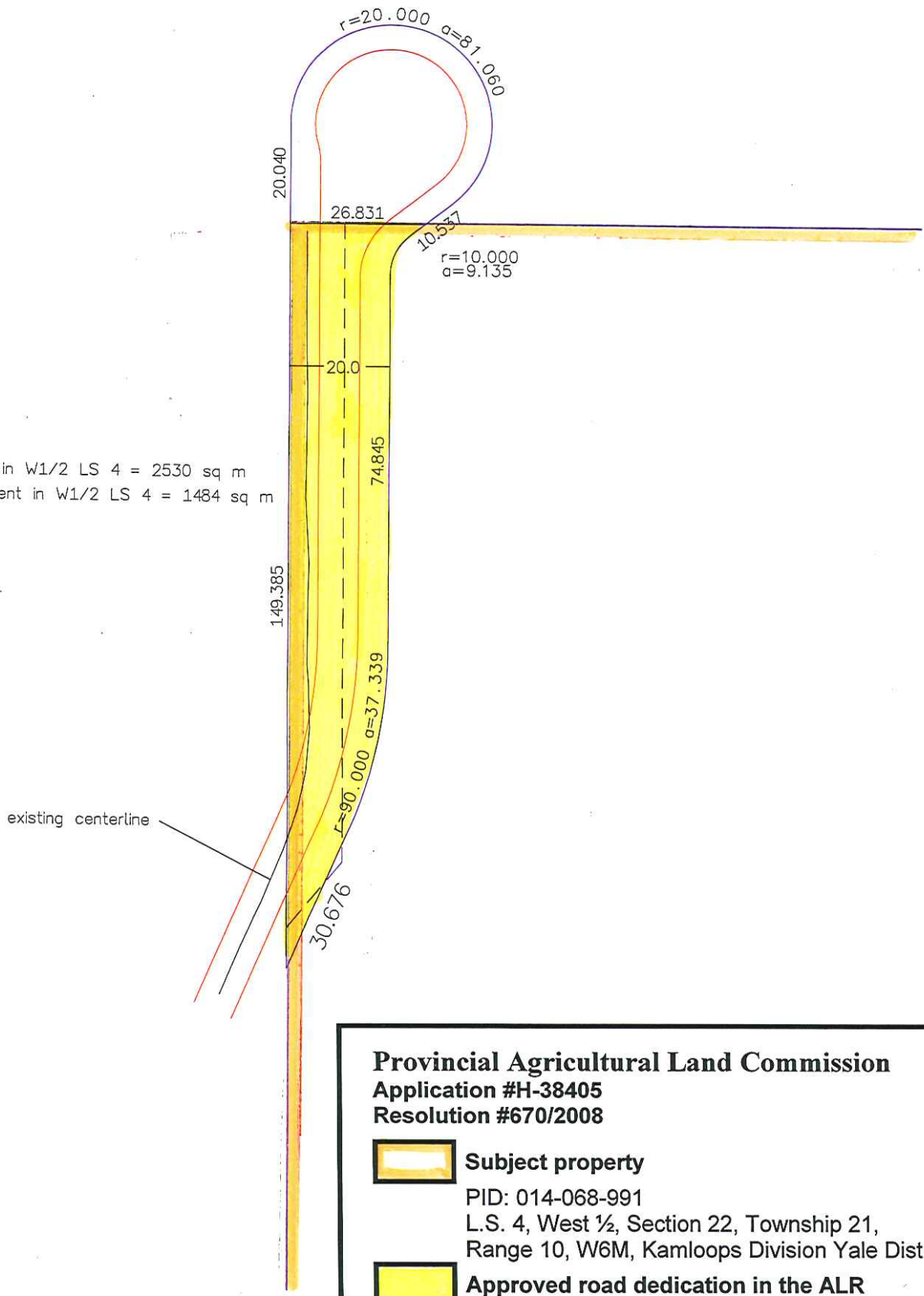
Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan


cc: Columbia Shuswap Regional District (LC2383-C 3370 20 07)


BR
i/38405d1

Total area of road in W1/2 LS 4 = 2530 sq m
 Area of existing Easement in W1/2 LS 4 = 1484 sq m



Provincial Agricultural Land Commission
Application #H-38405
Resolution #670/2008

 **Subject property**
 PID: 014-068-991
 L.S. 4, West 1/2, Section 22, Township 21,
 Range 10, W6M, Kamloops Division Yale District

 **Approved road dedication in the ALR**



A meeting was held by the Provincial Agricultural Land Commission on October 8, 2008 at the Keremeos Municipal Hall located at 702-4th Street, Keremeos, BC.

PRESENT:	Roger Mayer	Chair, Okanagan Panel
	Sid Sidhu	Commissioner
	Gerald Zimmermann	Commissioner
	Brandy Ridout	Staff

For Consideration

Application: #H-38405
Applicant: Helen Viola Cummins
Agent: Emcon Services Inc
Proposal: To widen an existing road easement through the subject property to meet Ministry of Transportation specifications for road dedication. The easement is currently 1,484 m² and the total area of the road will be 2,530 m².
Legal: PID: 014-068-991
L.S. 4, West ½, Section 22, Township 21, Range 10, W6M, Kamloops Division Yale District
Location: 1012 Addison Road, Tappen

Site Inspection

A site inspection was not conducted. However, the Commission recalled its site visit at the property to the north of the subject property on August 6, 2008 for application #H-38086. At that time the road widening was mentioned and the subject property viewed. Those in attendance were:

- Roger Mayer Chair, Okanagan Panel
- Sid Sidhu Commissioner
- Gerald Zimmermann Commissioner
- Brandy Ridout Staff
- Frank Rizzardo Agent
- Jacquie Hall Administrative Assistant, Emcon Services Inc.

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 ALR portion of the subject property is Class 2 with a limitation of cumulative and minor adverse conditions. Class 2 land has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

Assessment of Agricultural Suitability

The Commission assessed whether factors have caused or will cause the land to become unsuitable for agriculture. The Commission noted that the existing 1,484 m² easement currently runs just inside the western property line of the subject property and is used to access the property to the north.

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 recalled that it had recently allowed the exclusion of the 1 ha ALR portion of the property to the north. The easement is currently being used but is being required to be upgraded to meet Ministry of Transportation specifications for road dedication.

As the dedication and widening would require the use of an additional 1,046 m² of the subject property, the Commission did not believe the proposal would have a negative impact on existing or potential agricultural use of the subject property or surrounding lands.

IT WAS

MOVED BY: Commissioner Zimmermann

SECONDED BY: Commissioner Mayer

THAT the application to widen an existing road easement through the subject property to meet Ministry of Transportation specifications for road dedication (the easement is currently 1,484 m² and the total area of the road will be 2,530 m²) be approved subject to the road dedication being in substantial compliance with the plan submitted with the application

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 #670/2008