



Agricultural Land Commission
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June 3, 2009

Reply to the attention of Simone Rivers
ALC File: ZZ-38609

Bob Holtby
2533 Copper Ridge Drive
Westbank, BC V4T2X6

Dear Mr. Holtby:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 132/2009 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

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

Enclosure: Minutes/Sketch Plan

cc: Thompson-Nicola Regional District (ALR-N-88)

SBR/
i/38609d1



A meeting was held by the Provincial Agricultural Land Commission on April 29, 2009 at Kamloops, B.C.

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

For Consideration

Application: # ZZ- 38609
Applicant: James and Deanna Hoogendoorn
Agent: R.G. (Bob) Holtby, P.Ag
Proposal: To subdivide the 98 ha property into two lots as divided by an escarpment that runs through the property. The proposed lots would be 32 ha and 66 ha in size.
Legal: PID: 014-670-691
District Lot 306, Yale Division of Yale District, Except Plans A253, KAP46043, KAP46044 and KAP86375
Location: Cold Water Road, south of Merritt

Site Inspection

A site inspection was conducted on April 29, 2009. Those in attendance were:

- Grant Huffman Chair, Interior Panel
- Holly Campbell Commissioner
- Gordon Gillette Commissioner
- Simone Rivers Staff
- James Hoodendoorn Applicant
- Bob Holtby Agent

The Commission met the applicant at his home and viewed the portion of the property that was flat and was in agricultural use. It then viewed the portion of the property that the applicant wished to subdivide. This area was quite steep and had no agricultural improvements. The proposed subdivision did not divide the arable portion of the property.

Mr. Holtby confirmed that the staff report dated January 22, 2009 was received and no errors were identified.

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 Commission noted that the portion of the property located on the east side of Peterson Road was quite steep and had limited agricultural capability due to extreme topography. The portion of the property on the west side of Peterson Road had good agricultural capability and was improved for agricultural use. The proposed subdivision did not divide the arable portion of the property but seeks to divide the non-arable land from arable.

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. As the subject property is located in a valley where there are extensive agricultural uses, 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 proposed lot is adjacent to recently subdivided non-ALR lots, which are much smaller in size than the proposed subdivision. The proposal essentially divides that portion of the property with higher agricultural capability from the part with limited capability. The Commission does not believe the proposal would impact existing or potential agricultural use of the subject property or of surrounding 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 Campbell

SECONDED BY: Commissioner Huffman

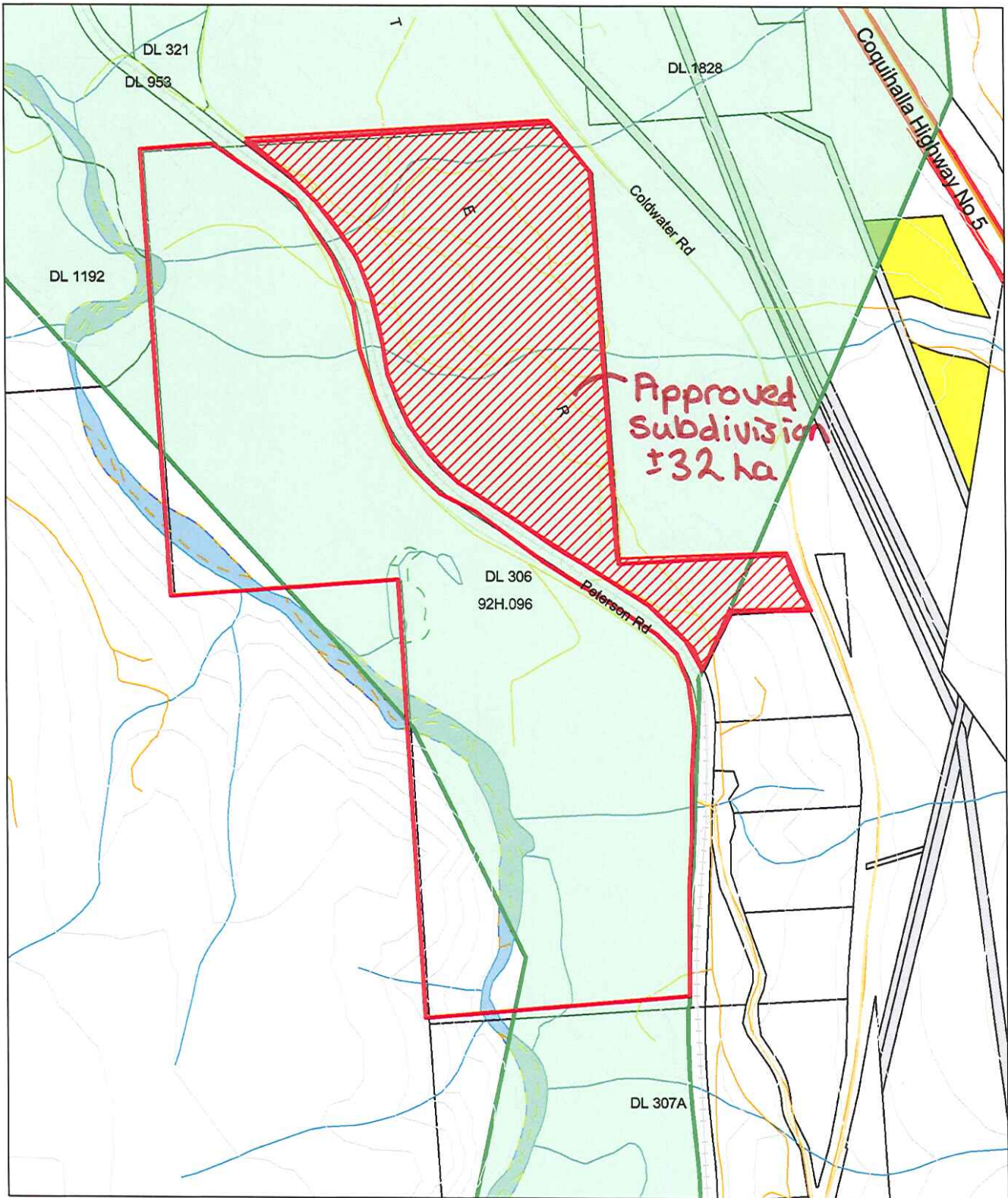
THAT the application be approved.

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 # 132/2009



Scale: 1: 10,000

BCGS Mapsheet(s): 92H.096

