



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

December 16, 2009

Reply to the attention of Brandy Ridout
ALC File: H-39040

Sheryl A Hermansen
P.O. Box 1793
Revelstoke, BC V0E2S0

Dear Ms. Hermansen:

Re: Request for Reconsideration

This is further to your letter in which you asked the Provincial Agricultural Land Commission to reconsider Resolution #906/2009.

The Commission has reconsidered the matter and has attached the Minutes of Resolution #1730/2009 outlining its latest decision. As agent, it is your responsibility to notify your client 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:

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

Erik Karlsen, Chair

cc: Regional District of Columbia Shuswap (LC2414B)

Enclosure: Minutes/Sketch Plan

BR/
39040d2

- (c) a recommendation by a facilitator under section 13 relating to a dispute warrants a reconsideration of the original decision.

The Commission believed that all or part of the original decision was based on evidence that was in error or was false (i.e. the property configuration) and so reconsidered the application.

Discussion

The Commission recalled that in its discussions on the original application, it had come to the conclusion that although the valley bottom portion of the property south of the highway is low-lying and has soils of Class 5 with limitations of inundation and excess water, it did not believe that subdividing a portion of it would be in the best interest of agriculture. It believed that subdivision along the highway would not have a negative impact on agriculture as it would maintain the valley bottom land in one piece.

New information presented indicated that if the property was subdivided along the highway, the valley bottom would not be a contiguous parcel as a 22.7 ha lot had been removed from the subject property in the past. An air photo was also submitted showing the valley bottom to be challenged by excess water. As such, the Commission had no objection to the subdivision of an approximately 10 ha lot north of the highway and an approximately 10 ha lot south of the highway.

IT WAS

MOVED BY: Commissioner Mayer

SECONDED BY: Commissioner Sidhu

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

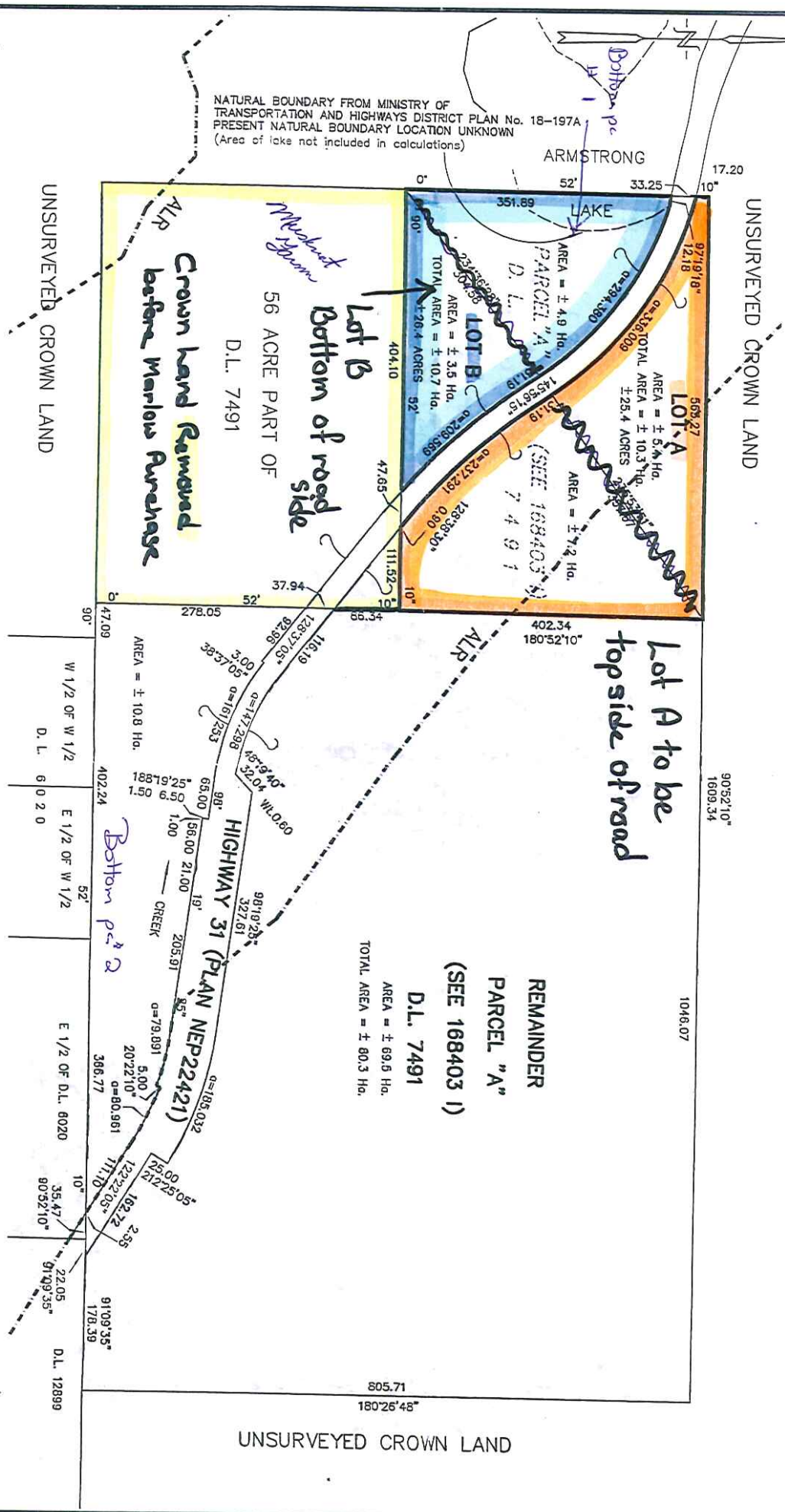
AND THAT the request to subdivide one approximately 10 ha lot north of the highway and one approximately 10 ha lot south of the highway be approved subject to the rescission of Resolution #906/2009.

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 #1730/2009

PLAN OF PROPOSED SUBDIVISION OF
 PARCEL A (SEE 168403 I), D.L. 7491, KOOTENAY DISTRICT, EXCEPT PART INCLUDED IN PLAN NEP22421
 SCALE 1:5000 (ALL DISTANCES IN METRES)



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RUSSELL N. SHORTT
 British Columbia Land Surveyor
 2801-32nd STREET, VERNON, B.C. Phone 545-0511
 FAX: 545-2741
 FILE No. 258470
 F.B. 19591120.044

JANUARY 13TH, 2009
 THIS PLAN IS PREPARED FOR THE USE OF:
 HERMANSEN

File # H-39040, Resolution #1730/2009
 Approximately 10 ha lot approved
 Approximately 10 ha lot approved