



Agricultural Land Commission
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March 15, 2006

Reply to the attention of Brandy Ridout
ALC File #T-35894

Al Jones
9315 Highway 97
Vernon, BC V1H 1W9

Dear Mr. Jones:

Re: Reconsideration of Resolution #193/2005

Please find attached the Minutes of Resolution #74/2006 outlining the Commission's decision as it relates to the above noted application. 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. It will also confirm for the Registrar the area excluded from the ALR.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Township of Spallumcheen – (#05-0009-SPL-ALR)

BR/lv

Enclosure: Minutes
Sketch Plan

35894d2

ALL DISTANCES ARE IN METRES.

to existing home
Remaind of Lot 3

Golf Course

LOT A
PLAN
34292

DEEP CREEK

REM LOT 3
PLAN 1677

REM
PLAN
B2060

Pasture

PLAN
B6295

PLAN
B4996

Provincial Agricultural Land Commission
Application #T-35894
Resolution #74/2006



Original 15 ha area approved for exclusion from the ALR



Additional 2 ha area approved for exclusion from the ALR



Location of fencing



Location of "No-Build" covenant

LOT 5

LOT 4

1.
1.1 ha
LOT 3

LOT 2

PLAN 31929

T 6

NORTHWIND DRIVE

76620A01

PLAN OF PROPOSED SUBDIVISION OF PART OF LOT 3, PLAN 1677, D.L. 104, O.D.Y.D. EXCEPT PLAN 34292; AND LOT 3, PLAN 31929, SEC. 34, TP. 8; BOTH IN O.D.Y.D.

SCALE: 1 : 4000

OUR FILE: R7662

DATE: 18 Oct. 04

DRAWN: RB

Mr. W.A. Jones

WILLIAM E. MADDOX
B.C. LAND SURVEYOR
3500 - 30th STREET
VERNON, B.C. V1T 5E8
TELEPHONE (250)542-4343

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 2, 2006 at the Ministry of Agriculture and Lands office located at 4607 - 23rd Street, Vernon, BC.

PRESENT: Sue Irvine
Sharon McCoubrey
Sid Sidhu
Brandy Ridout
Martin Collins

Chair, Okanagan Panel
Commissioner
Commissioner
Staff

For Consideration

A letter was received from Al Jones requesting that the Commission reconsider its decision recorded as Resolution #193/2005.

Application # T-35894
Applicant(s) 925 Investments Inc
Legal PID: 011-501-359
Lot 3, District Lot 104, Osoyoos Division Yale District, Plan 1677, Except Plan 34292
Location Adjacent to and east of the Spallumcheen Golf Course
Original Proposal: To exclude approximately 19 ha of the 44 ha property for a rural residential housing development (17 - 1 ha lots).
Decision: Refused as proposed, allowed the exclusion of 15 ha due to limited agricultural capability but refused the exclusion of 4 ha as it was believed to be good capability agricultural land.
New Proposal: To reconsider the application to allow the exclusion of 2 ha of the originally refused 4 ha area.

Site Inspection

A second site inspection was conducted on March 1, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey, and Sid Sidhu
- Staff: Brandy Ridout and Martin Collins
- Agent: Al Jones

Commission Discussion

As justification for the reconsideration request, the Commission was provided with an agricultural land capability report prepared by Summit Environmental Consultants for the 4 ha area not excluded from the ALR. It is noted that the major constraints on agriculture in the study area are depth to bedrock and density of bedrock and the minor constraints are topography, stoniness and soil moisture deficit. Although originally mapped as 60% Class 5, field investigation on the part of the consultants showed that the 2 ha area requested for reconsideration would be better mapped as 80-85% Class 6 and the remainder as Class 7.

The report indicated that the other 2 ha of the 4 ha area previously refused for exclusion were better suited to agriculture.

IT WAS

MOVED BY: Commissioner Sidhu
SECONDED BY: Commissioner McCoubrey

THAT the information presented constitutes evidence that was not available at the time of the original decision and therefore a reconsideration is warranted

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

AND THAT the request to exclude 2 ha of the 4 ha area previously refused for exclusion be approved on the grounds that the 2 ha were less suited for agriculture than originally believed

AND THAT this approval is subject to:

- The construction of a fence along the ALR boundary as outlined in the attached Schedule D fencing specifications (D.4 wire fabric fence). The fence may be constructed after the subdivision/exclusion provided a financial security is provided that will ensure that the fencing is completed, and
- The registration of a covenant against the titles of the two lots prohibiting the construction of a dwelling within 30 meters of the ALR boundary.

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 #74/2006