



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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August 28, 2006

Reply to the attention of Simone Rivers

Dave Chutter  
c/o Chutter Ranch Ltd.  
PO Box 2509  
Merritt, B.C. V1K 1B8

Dear Mr. Chutter:

Re: Application # ZZ-36478

Please find attached the Minutes of Resolution # 397/2006 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

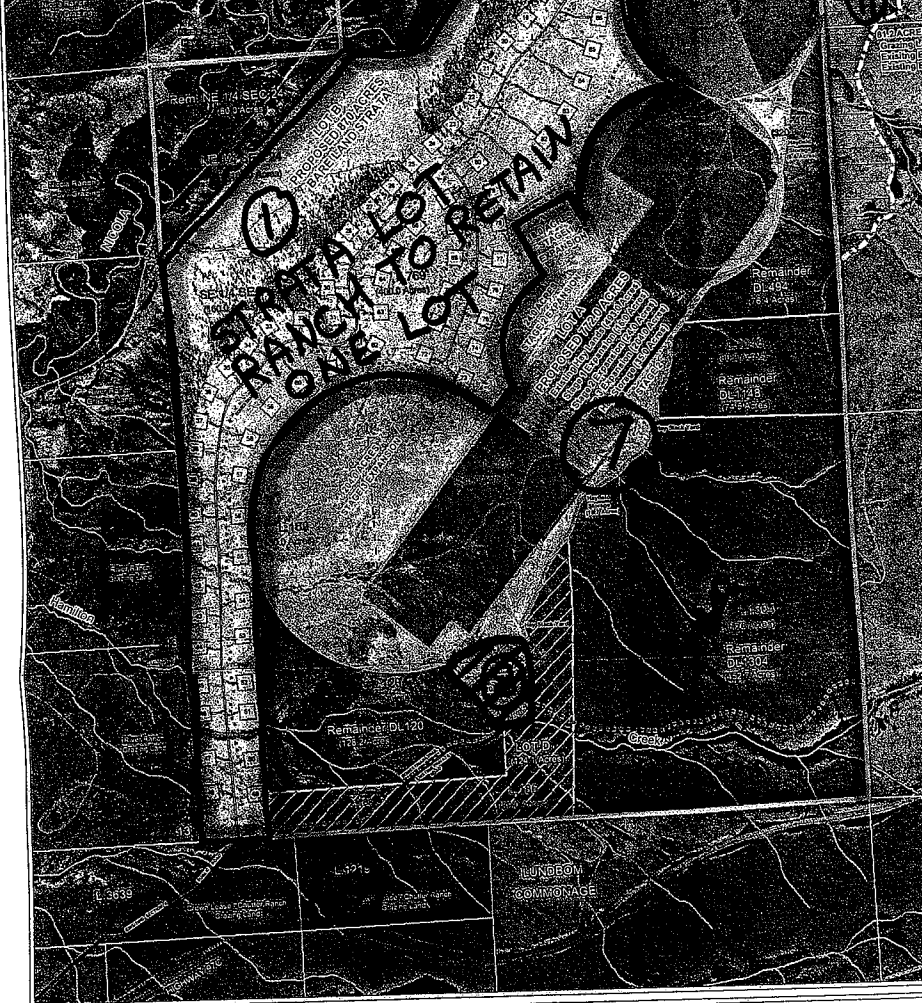
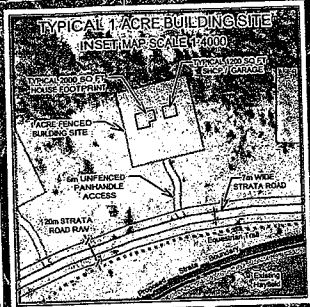
PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

MC/lv/Encl.  
36478d2.

Proposed Development - Existing & Consolidated Titles and Areas			
Existing Deeded Lots	Acres	Ha.	Changes to Existing Lots
DL 398 Lot 1 Plan 40772 KDVD	42.50	17.20	No Change
DL 962	160.00	64.75	No Change
SE 1/4 sect. 24 T91			All to Lot A, Lot B
Remainder DL 120	128.20	51.88	Parts to Lot A, Lot D
DL 168			All to Lot B, Lot D
DL 169			All to Lot A, Lot B
DL 187			All to Lot A, Lot B, Lot D
DL 188			All to Lot A, Lot D
Remainder DL 1304	452.70	183.09	Part to Lot A
DL 188	76.40	30.92	All to Lot A, Lot B, Lot C
Remainder DL 494			Parts to Lot A, Lot B
DL 769	74.50	30.13	All to Lot A, Lot B
Remainder DL 1148	56.30	22.79	Part to Lot A
Remainder Part 668 plan B 3165			Parts to Lot A, Lot B, Lot C
DL 119	255.00	103.20	All to Lot C
DL 192	80.00	32.37	No Change
Remainder NE 1/4 sect 24 T91	128.40	52.00	Part to Lot B
Remainder SW 1/4 sect 30 T93			Part to Lot B
Proposed Consolidated Lots			Lots Used in Consolidation
Lot A - Proposed Hayfield Land	772.00	312.42	DL 120, DL 169, DL 186, DL 187, DL 1304, DL 188, DL 494, DL 769, DL 1148, Plan B 3165, SE 1/4 sect. 24 T91
Lot B - Proposed Bare Land Strata	870.00	352.06	DL 168, DL 169, DL 187, DL 188, DL 494, DL 769, Plan B 3165, NE 1/4 sect 24 T91, SE 1/4 sect. 24 T91, SW 1/4 sect 30 T93
Lot C	326.30	132.06	DL 188, Plan B 3165, DL 119
Lot D - Includes Equestrian Centre	124.10	50.22	DL 120, DL 168, DL 187, DL 188
<b>Total Area</b>	<b>3546.40</b>	<b>1435.11</b>	



Provincial Agricultural Land Commission  
 Application: ZZ-36478-0  
 Resolution # 397/2006

**Area 1:** ± 352 ha area approved for subdivision into an 87 lot equestrian bareland strata within the ALR.

**Areas 2, 5, 6 & 7:** New lots to be created by consolidation.

**Areas 2-7:** Newly created lots 2, 5, 6 & 7 to be bound by covenant to existing lots 3 (DL 119) & 4 (DL 192) so that they can not be sold separately.

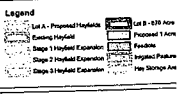
**Area 8:** Area approved for use as an Equestrian centre – to be subdivided into a newly created lot. May be leased to a third party but not sold. To be bound by covenant to the remainder of the ranch (areas 2-7 as described above).

**Area 9:** Approved for subdivision at a future date should a subsequent owner desire.

**Areas 10 & 11:** Crown Land, to be bound by covenant to areas 2-7 should it be purchased by the ranch in the future.

**Chutter Ranch Ltd.**  
 Box 2509 Merritt B.C. V1K 1B8  
 Phone: 250-378-4859 Fax: 250-378-4858  
 1997 AERIAL PHOTOGRAPHY

**PROPOSED DEVELOPMENT PLAN**  
 MAP 2 of 4  
 Scale: 1:20000 1 centimeter equals 200 meters Date: 2005/07/25



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on August 8, 2006 by telephone conference call.

<b>PRESENT:</b>	Grant Huffman	Chair, Interior Panel
	Holly Campbell	Commissioner
	Frank Read	Commissioner
	Simone Rivers	Land Use Planner

### For Consideration

Application: ZZ-36478-0

Applicant: Chutter Ranch Ltd.

Agent: Dave Chutter

Proposal: To develop an 87 lot equestrian, bareland strata lot of 348 ha. Forty-four (44) ha of the parcel would not be in agricultural use; (comprised of eighty-seven 0.4 ha residential lots totaling 34 ha), 8.8 ha for roads and 0.4 ha for the wellhead and reservoir). The remaining 304 ha would continue to be used for intermittent grazing by the Ranch. The twenty three Ranch properties are to be consolidated into six titles, against all of which will a covenant be registered restricting their separate sale (i.e.binding titles). An 8 ha lot containing an equestrian centre would be subdivided to permit leasing, but would also be subject to a restricting covenant restricting its separate sale from the larger Ranch. Three small parcels (approximately 2 ha, 0.4 ha and 0.4 ha) are also proposed for subdivision lying east of Princeton cutoff road.

### Legal Description of Properties:

- Parcel Identifier:** 012-979-236  
**Legal Description:** District Lot 1304, Kamloops Division Yale District, Except Part lying within the Boundaries of District Lot 614
- Parcel Identifier:** 012-979-066  
**Legal Description:** District Lot 186, Kamloops Division Yale District
- Parcel Identifier:** 012-979-007  
**Legal Description:** District Lot 120, Kamloops Division Yale District
- Parcel Identifier:** 012-979-05  
**Legal Description:** District Lot 169, Kamloops Division Yale District
- Parcel Identifier:** 012-800-473  
**Legal Description:** That part of District Lot 962, Kamloops Division Yale District, Plan DD4333, Except Plan KAP56364

- 6. Parcel Identifier:** 013-026-038  
**Legal Description:** District Lot 962, Kamloops Division Yale District, Except Part shown on Plan attached to DD4333, Plan KAP44809 and KAP56364
- 7. Parcel Identifier:** 012-978-868  
**Legal Description:** The SouthWest 1/4 of, Section 30, Township 93, Kamloops Division Yale District, Except Part shown as R/W on Plan 400
- 8. Parcel Identifier:** 012-978-663  
**Legal Description:** That part of District Lot 666, Kamloops Division Yale District, Plan B3165, Except Plan KAP44809
- 9. Parcel Identifier:** 012-978-76  
**Legal Description:** District Lot 192, Kamloops Division Yale District, Except Part shown as R/W on Plan 400 and Plan KAP44809
- 10. Parcel Identifier:** 012-978-540  
**Legal Description:** District Lot 188, Kamloops Division Yale District
- 11. Parcel Identifier:** 012-978-639  
**Legal Description:** District Lot 769, Kamloops Division Yale District
- 12. Parcel Identifier:** 012-978-591  
**Legal Description:** District Lot 494, Kamloops Division Yale District
- 13. Parcel Identifier:** 012-978-841  
**Legal Description:** The Northeast 1/4 of, Section 24, Township 91, Kamloops Division Yale District, Except Part shown as R/W on Plan 400
- 14. Parcel Identifier:** 012-978-701  
**Legal Description:** District Lot 119, Kamloops Division Yale District, Except Part shown as R/W on Plan 400
- 15. Parcel Identifier:** 013-160-435  
**Legal Description:** Lot 1, District Lot 398, Kamloops Division Yale District, Plan 40772
- 16. Parcel Identifier:** 012-818-844  
**Legal Description:** That part of the SouthWest 1/4, Section 30, Township 93, Kamloops Division Yale District, Plan 400
- 17. Parcel Identifier:** 012-800-520  
**Legal Description:** That part of District Lot 119, shown on Plan 400, Kamloops Division Yale District

- 18. Parcel Identifier:** 012-978-647  
**Legal Description:** District Lot 1148, Kamloops Division Yale District
- 19. Parcel Identifier:** 012-979-139  
**Legal Description:** District Lot 187, Kamloops Division Yale District
- 20. Parcel Identifier:** 012-979-023  
**Legal Description:** District Lot 168, Kamloops Division Yale District
- 21. Parcel Identifier:** 012-978-949  
**Legal Description:** The South East 1/4 of, Section 24, Township 91, Kamloops Division Yale District
- 22. Parcel Identifier:** 012-818-861  
**Legal Description:** That part of the North East 1/4 of, Section 24, Township 91, Kamloops Division Yale District, shown on Plan 400
- 23. Parcel Identifier:** 012-800-490  
**Legal Description:** That part of District Lot 192, Kamloops Division Yale District, shown on Plan 400

### **Site Inspection # 1**

The first site inspection was conducted on March 2, 2006. Those in attendance were:

- Commissioners Huffman, Read, Campbell
- Agricultural Land Commission Staff: Simone Rivers, Land Use Planner
- Consultant for the Applicant: Dave Cunliffe
- Applicants: Dave Chutter and Paul Chutter.

The Commission met with the applicant at the Ranch headquarters to look at the plans for development and to discuss the rationale for the proposal. The original proposal was for an 87 lot residential bareland strata and a reduction in the number of Ranch parcels from 23 to 14. Improvements to the upper hayfields, including extending irrigation was also proposed.

The Commission also toured the ranch with the applicants and viewed the improved hay fields on the upper bench as well as the area proposed for the strata development.

The site inspection lasted from 9:00 a.m. to 11:00 a.m.

The Commission passed Resolution # 138/2006 after this meeting refusing the original proposal for an 87 unit strata subdivision on the grounds it would not ensure that the Ranch's land base would continue to be used for agriculture in the long term.

**Meeting # 2**

A meeting occurred between ALC staff and the applicants on June 22, 2006. Those in attendance were:

- Agricultural Land Commission Staff: Simone Rivers, Land Use Planner and Martin Collins, Regional Planner.
- Consultant for the Applicant: Dave Cunliffe
- Applicants: Dave Chutter and Paul Chutter.

Commission Staff met with the applicants at the ranch to discuss the Commission's concerns regarding their proposal. Options to preserve the remainder of the ranch were discussed as were the goals of the applicants. Staff again toured the ranch to view the area proposed for the residential development and equestrian centre.

After the meeting, staff invited the applicants to submit a revised proposal taking into account the Commission's concerns as discussed at the meeting.

As a result, on July 11, 2006, the applicants submitted a revised proposal for an 87 lot bareland strata reducing the number of ranch parcels to 2 (comprising the upper ranch and the lower ranch), to address the Commission's concern about the future viability of the ranch.

**Meeting # 3**

The Commission met with the applicants on July 29, 2006 to discuss the revised proposal at the Plaza Hotel in Kamloops. Those in attendance were:

- Commissioners Huffman, Campbell
- Consultant for the Applicant: Dave Cunliffe
- Applicants: Dave Chutter and Paul Chutter.

The Commissioners discussed the original and revised ranch proposals with the applicants, outlining their continuing concern that the Ranch would not be protected from rural residential pressures in the long term unless it was consolidated into a single legal unit. After some discussion the Commission and the applicants reached an understanding. The Commission invited the applicants to submit a revised proposal that addressed its concerns.

A second revised proposal (described on page 1) was submitted on August 1, 2006 which proposed creating two properties, a 348 ha (87 lot) residential strata subdivision and a 1100 ha (approx.) consolidated ranch property. The ranch currently comprises twenty three (23) titles. The proposed ranch would consist of six (6) titles bound together by covenant. The applicants also requested the subdivision of three small parcels of land on the periphery of the ranch.

**Commission Discussion**

After subsequent discussions with the applicants the Commission was satisfied that the revised proposal submitted on August 1, 2006 would help ensure preservation of the remainder of the ranch, while allowing the Chutter family to achieve its goals.

**IT WAS**

**MOVED BY:** Commissioner Campbell

**SECONDED BY:** Commissioner Huffman

That the Commission allow the development of the 87 lot strata subdivision, and the subdivision of three small lots shown in area 9 on the attached plan subject to the following conditions:

1. The subdivision and development of the strata lots being in substantial compliance with the attached plan and that:
  - Lots 2-8 (as shown on the attached sketch) will be consolidated by covenant registered against the titles of the proposed lots, restricting them from being sold separately.
  - Lot 8 (equestrian centre) may be leased but not sold.
  - The Ranch own one strata lot in order to retain influence in the strata decision making.
  - Should the Ranch purchase Crown land (areas 10 and 11) in the future, these areas must be subject to the above noted covenant, binding their title(s) to the parent ranch. The Commission believes that these lands are important to the overall viability of the ranch and wants to ensure they remain part of the ranch should the applicants acquire these parcels in the future.

2. The Ranch commit to undertaking the following actions to minimize conflict between the Ranch operation and the strata owners as follows:
  - a) Registration of an easement in favor of the Ranch over the 760 acres of common property, strata roads, and the panhandle accesses to the 0.4 ha building sites to allow cattle grazing in perpetuity, move equipment, crops and livestock, and allow the ranch to manage the grasslands (including spraying for weed control).
  - b) Registration of a private restrictive covenant over the strata common property in favour of the new consolidated hayfield title.
  - c) Strata bylaws must preserve the right for the Ranch to use strata roads.
  - d) The Ranch must maintain ownership of one strata lot in perpetuity to ensure ongoing Ranch involvement in strata affairs.
  - e) Section 219 covenants, Statutory Building Schemes, and strata bylaws are to be used to prevent fencing of strata roads, panhandle driveways, and the common property. The same covenants and strata bylaws are to be used to limit site development and fencing to the 0.4 ha building sites only.
  - f) To prevent both the spread of noxious weeds and overgrazing of the 0.4 ha building sites, both covenants and strata bylaws must require the stabling of horses at the equestrian center.
  - g) Building restrictions are to be imposed on the 0.4 ha building sites by both covenants and strata bylaws, which will control the size of homes and limit outbuildings to one detached garage/shop. Exterior design and materials will be subject to architectural controls to preserve ranch aesthetics. Overall building site coverage is to be limited to control the size of new homes.
  - h) ATV's and snowmobiles are to be prevented from using equestrian trails, strata roads, or common property by both covenant and strata bylaw. Mountain bikes are to be restricted to strata roads only.
  - i) Easements across ranch owned property to provide access to crown range will limit use to pedestrians and horses only.
  - j) The Ranch will commit to educating future homeowners about agricultural practices and will give reasonable notice of any intrusive activities.
  - k) Access to the Ranch property by strata owners is limited to the road to access the strata block of land, and the privately held equestrian centre, and to the riding paths which access the strata block of land and the crown lands.
  - l) The 0.4 ha building lots must be suitably fenced to limit trespass.

CARRIED