

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

June 27, 2007

Reply to the attention of Brandy Ridout ALC File: #T - 27016

John McKechnie 4635 McQuarrie Road Armstrong, BC V0E 1B3

Dear Mr. McKechnie:

Re: Reconsideration request

Please find attached the Minutes of Resolution # 298/2007 outlining the Commission's decision as it relates to the above noted application.

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

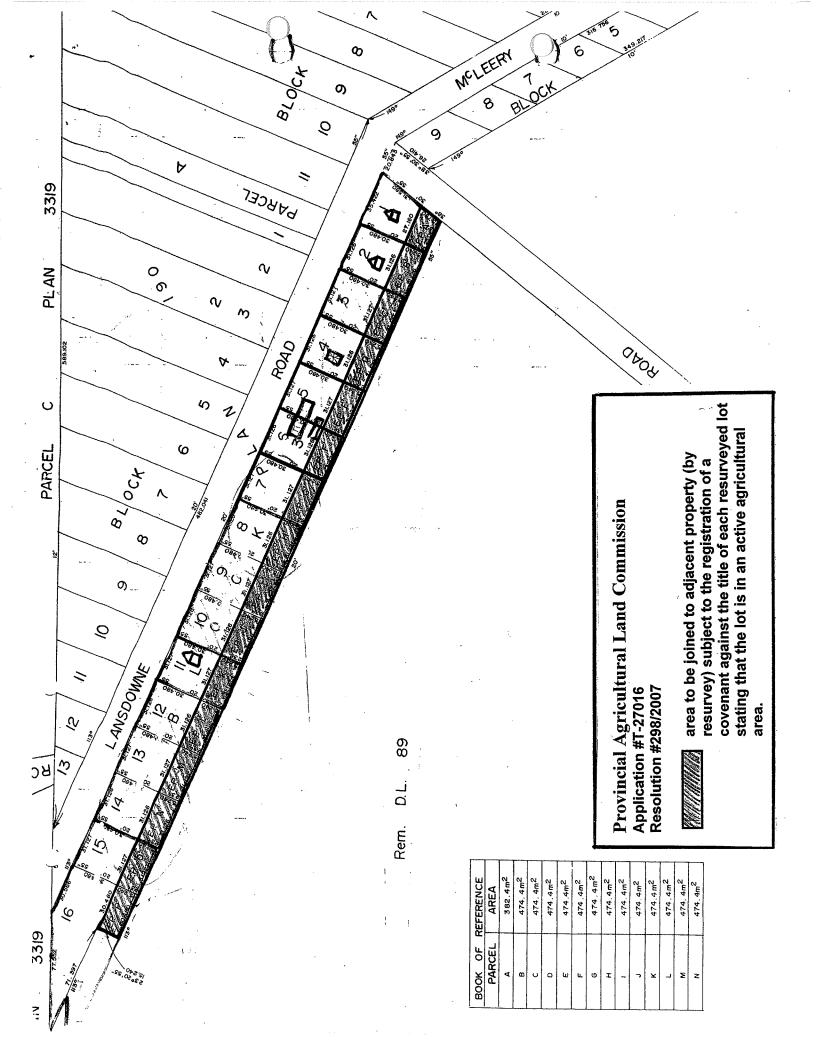
Erik Karlsen, Chair

cc: Township of Spallumcheen (ALR92-25)

Peter White, 4666 McLeery Road, Armstrong, BC, V0E 1B3

Enclosure: Minutes/Sketch Plan

BR/lv 27016d2



A meeting was held by the Provincial Agricultural Land Commission on June 6, 2007 in Vernon, BC.

PRESENT:

Sue Irvine

Monika Marshall

Sid Sidhu

Brandy Ridout

Martin Collins

Chair, Okanagan Panel

Commissioner Commissioner

Staff Staff

For Consideration

A letter from John & Shirley McKechnie was received October 12, 2006 requesting reconsideration of the Commission's decision under Resolution #1281/1992.

Application:

#T-27016

Applicant:

John & Shirley McKechnie

Original Proposal: To expand 16 existing small residential lots by utilizing an existing easement which is located on the adjacent property (34.7 ha,

currently owned by Peter White) in order to accommodate the

sewage disposal fields.

Decision:

Allowed subject to fencing and vegetative screening along the

southern boundary of the properties.

Current Proposal: To remove the consolidation and fencing/screening conditions of the previous approval. Some of the owners of the small lots are now

interested in purchasing the easements and adding the area to their property. The applicant is requesting that the fencing/buffering condition be removed as it would be difficult for Mr. White to farm the

adjacent property if it was partly fenced/buffered.

Legal:

Lots 1-16, Block 3, Plan 190, District Lot 89, KDYD, Rem. District Lot

89, KDYD

Location:

Historic Landsdowne Townsite, north of Armstrong

Site Inspection

A site inspection was conducted on June 5, 2007. Those in attendance were:

Sue Irvine

Chair, Okanagan Panel

Monika Marshall

Commissioner

Sid Sidhu

Commissioner

Erik Karlsen

Chair, ALC

Brandy Ridout

Staff

Martin Collins

Staff

John McKechnie

Applicant

Peter White

Adjacent landowner

The Commission viewed the properties and discussed the proposal with both the adjacent landowner who currently farms the easement area under application and the applicant.

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

The Commission considered the potential impact of the request to remove the consolidation condition (16 lots into 11 lots) and the requirement to fence and buffer the small lots.

At the time of the original application, it was believed that the only way to achieve satisfactory effluent absorption was to create larger lots. However, since that time a single lot and easement septic system was devised. As such, since its conditional approval in 1992, the applicant had sold Lot 3, 9, 10 and 12 to separate owners. This essentially has made consolidation of lots 8, 9, and 10 and lots 12, 13 and 14 impossible. As some individual owners wish to purchase the approximately 450 m² portion of the easement adjacent to their lots, removal of the consolidation condition would allow their properties to be resurveyed to include that portion of the easement.

The Commission reviewed the consolidation requirement of Resolution #1281/1992. It noted that it had originally required consolidation in order to reduce the impact of the residential lots on the agricultural property to the south. The Commission believed that the registration of a covenant on the title of each of the resurveyed lots stating that the lot is in an active farming area and may be subject to the impact of standard farm practices (including noise and odours) would be beneficial in reducing the impact of the residential lots.

With regard to the fencing and buffering requirements, the Commission discussed this matter at some length during the site visit as the opinion of the adjacent farmer was important to its consideration. He stated that fencing and buffering individual lots once they were resurveyed would interfere with his use of the strip of land as manoeuvring machinery in the intermediate areas would be difficult. As such, the Commission agreed to remove its condition that the small lots be fenced and buffered. It was assumed that eventually the entire property line between the small lots and the agricultural parcel would be fenced as individual landowners fenced their own properties.

Page 3 of 3 Resolution # 298/2007 Application # T-27016

IT WAS

MOVED BY:

Commissioner Irvine

SECONDED BY:

Commissioner Sidhu

THAT the request to remove the consolidation and fencing/screening conditions be approved

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the attached plan.
- the registration of a covenant against the title of each resurveyed lot stating that the lot is in an active farming area.
- the resurvey of all lots 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 # 298/2007