



Agricultural Land Commission
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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

Per:

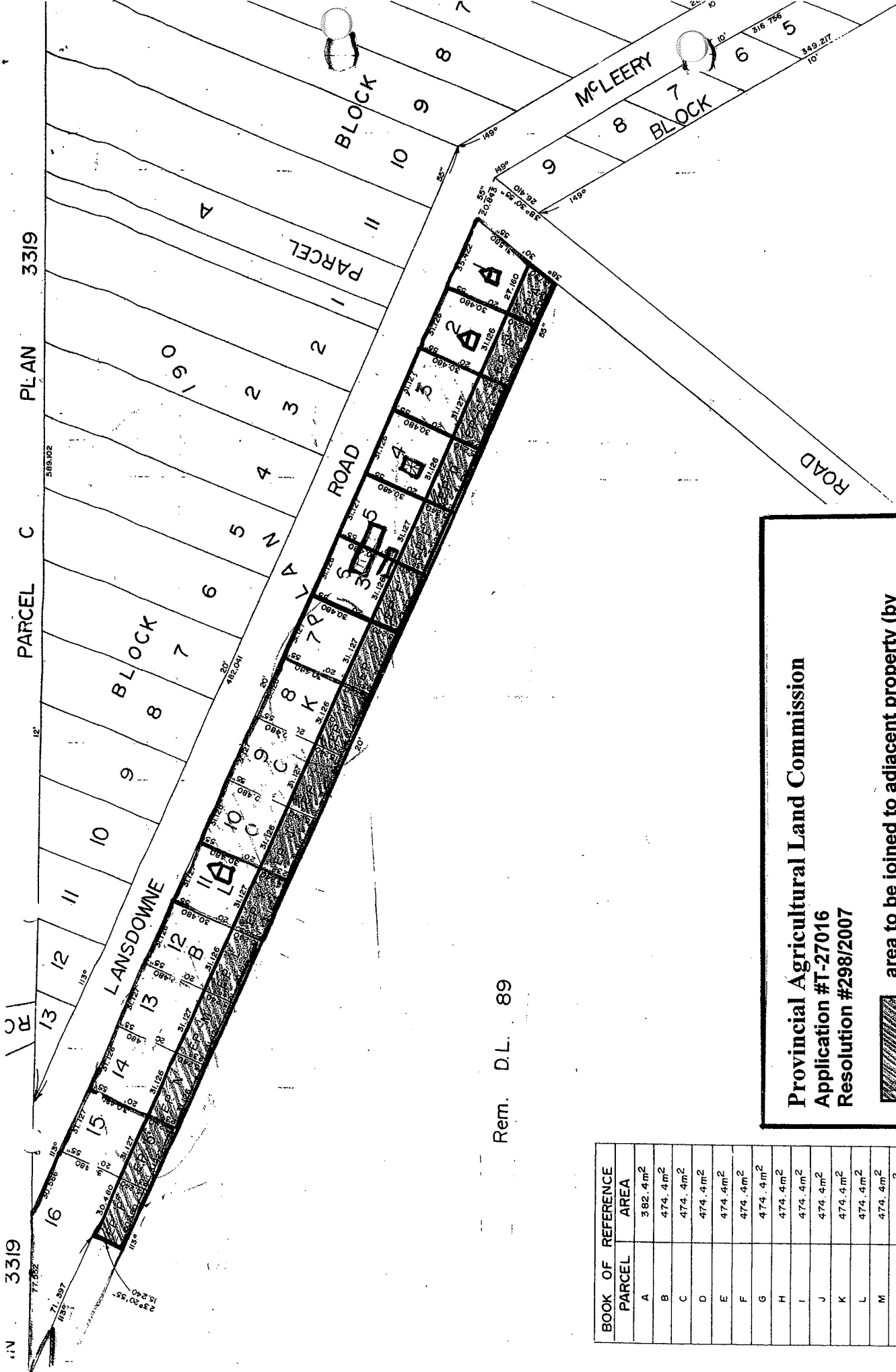
A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a white background.

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



Rem. D.L. 89

BOOK OF REFERENCE	PARCEL	AREA
	A	3 82.4 m ²
	B	474.4 m ²
	C	474.4 m ²
	D	474.4 m ²
	E	474.4 m ²
	F	474.4 m ²
	G	474.4 m ²
	H	474.4 m ²
	I	474.4 m ²
	J	474.4 m ²
	K	474.4 m ²
	L	474.4 m ²
	M	474.4 m ²
	N	474.4 m ²

Provincial Agricultural Land Commission
Application #T-27016
Resolution #298/2007



area to be joined to adjacent property (by resurvey) subject to the registration of a covenant against the title of each resurveyed lot stating that the lot is in an active agricultural area.

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.

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