



**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

Reply to the attention of Terra Kaethler  
ALC File: Q-37131

October 3, 2007

Brad Elenko  
Urban Connections  
Ste 100 - 8305 - 68th Avenue  
Osoyoos, BC V0H1V0

Dear Sir:

**Re: Reconsideration to Subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 495/2007 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) 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:

Erik Karlsen, Chair

cc: Regional District of Kootenay-Boundary (E-Twp66-07975-200)

Enclosure: Minutes/Sketch Plan

TK/lv/37131d2.doc



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

---

**A meeting was held by the Provincial Agricultural Land Commission on September 07, 2007 in Nelson, B.C.**

**PRESENT:**     Monika Marshall                                     Chair, Kootenay Panel  
                  Carmen Purdy                                         Commissioner  
                  D. Grant Griffin                                     Commissioner  
                  Terra Kaethler                                       Staff

### **For Reconsideration**

Application:       # Q- 37131  
Applicant:         Daniel and Sonya Miller  
Agent:             Urban Connections  
Proposal:          To reconsider Resolution #239/2007 to allow a 3.2 ha subdivision as separated by Hwy 3 on the grounds that the site has no access to water.  
Legal:             PID: 001-716-786  
                      The East 1/2 of the South East 1/4, Section 8, Township 66, Similkameen Division of Yale District, EXCEPT Plans KAP56219 and KAP58611  
Location:         Highway 3, near Bridesville - Electoral Area "E"

### **Site Inspection**

No site inspection conducted.

### **Discussion**

Although the Commission does not generally accept the division by roads to warrant a subdivision, the Commission discussed that the portion proposed for subdivision was divided by a major highway and does not have access to water. As such the Commission reconsidered that there are significant barriers to the agricultural use of that portion of the property. The Commission discussed that with an approval for subdivision, a well would be installed that could provide irrigation for a small farm enterprise. Therefore the Commission reconsidered its previous decision under Resolution #239/2007.

### **IT WAS**

**MOVED BY:**       Commissioner Marshall  
**SECONDED BY:**   Commissioner Purdy

THAT the request for reconsideration be approved, and that the subdivision of 3.2 ha be allowed;

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application

- the subdivision must be completed within three (3) years from the date of this decision.

Commissioner Griffin wished to be recorded as opposed to the 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 # 495/2007**

# Provincial Agricultural Land Commission

Application # 37131

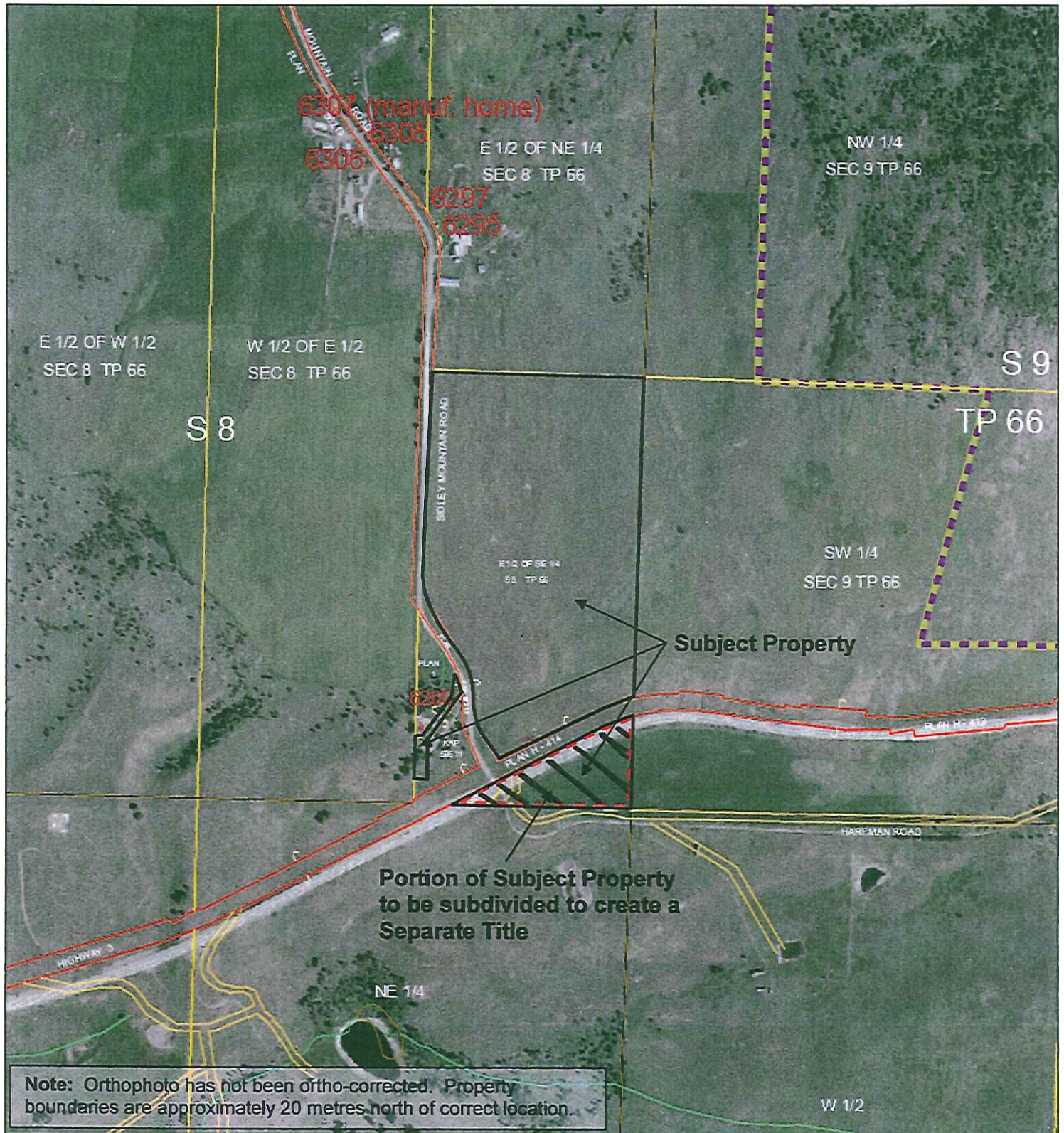
Resolution # 495/2007



Subject Property



Approved 3.2 ha subdivision





**Staff Report – Reconsideration Request  
Application # Q – 37131-1  
Applicant: Daniel and Sonya Miller  
Agent: Urban Connections**

**DATE RECEIVED:** July 3, 2007, 2006

**DATE PREPARED:** August 17, 2007

**TO:** Chair and Commissioners - Kootenay Panel

**FROM:** Terra Kaethler, Land Use Planner

**PROPOSAL:** To subdivide the 24.4 ha property such that the portion on the south side of Highway 3 becomes one (1) lot at 3.2 ha, and all portions north of Highway 3 make up the remainder lot of 21.2 ha. This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

**ORIGINAL DECISION:** Refused

**BACKGROUND INFORMATION:**

The request for reconsideration is based on the information that was not part of the application, that water is not available on the portion of the property proposed for subdivision. The agent argues that, if subdivided, a well will likely be established to supply the new residence, and as such, would by providing a water source, would enhance the agricultural potential of the parcel.

It is not clear if this is considered new information under Section 33, ALCA to warrant reconsideration.

**ATTACHMENTS:**

1. Letter requesting Reconsideration, July 13, 2007
2. Letter from Arthur Harfman, APC
3. Minutes of Original Decision, Resolution #239/2007
4. Original Staff Report #37131
5. ALR Constituent Map
6. Aerial Photograph (includes Sketch of Proposed Subdivision)

**END OF REPORT**

Signature

Date

A handwritten signature in blue ink, appearing to read 'Terra Kaethler', written over a horizontal line.

A handwritten date in blue ink, 'Aug. 17, 07', written over a horizontal line.