



Agricultural Land Commission
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November 20, 2007

Reply to the attention of Brandy Ridout
ALC File: T-35711

Kent & Janice Hansen
715 Mabel Lake Road
Lumby, BC V0E2G5

Dear Sir/Madam:

Re: Reconsideration of Application T-35711

Please find attached the Minutes of Resolution # 594/2007 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:

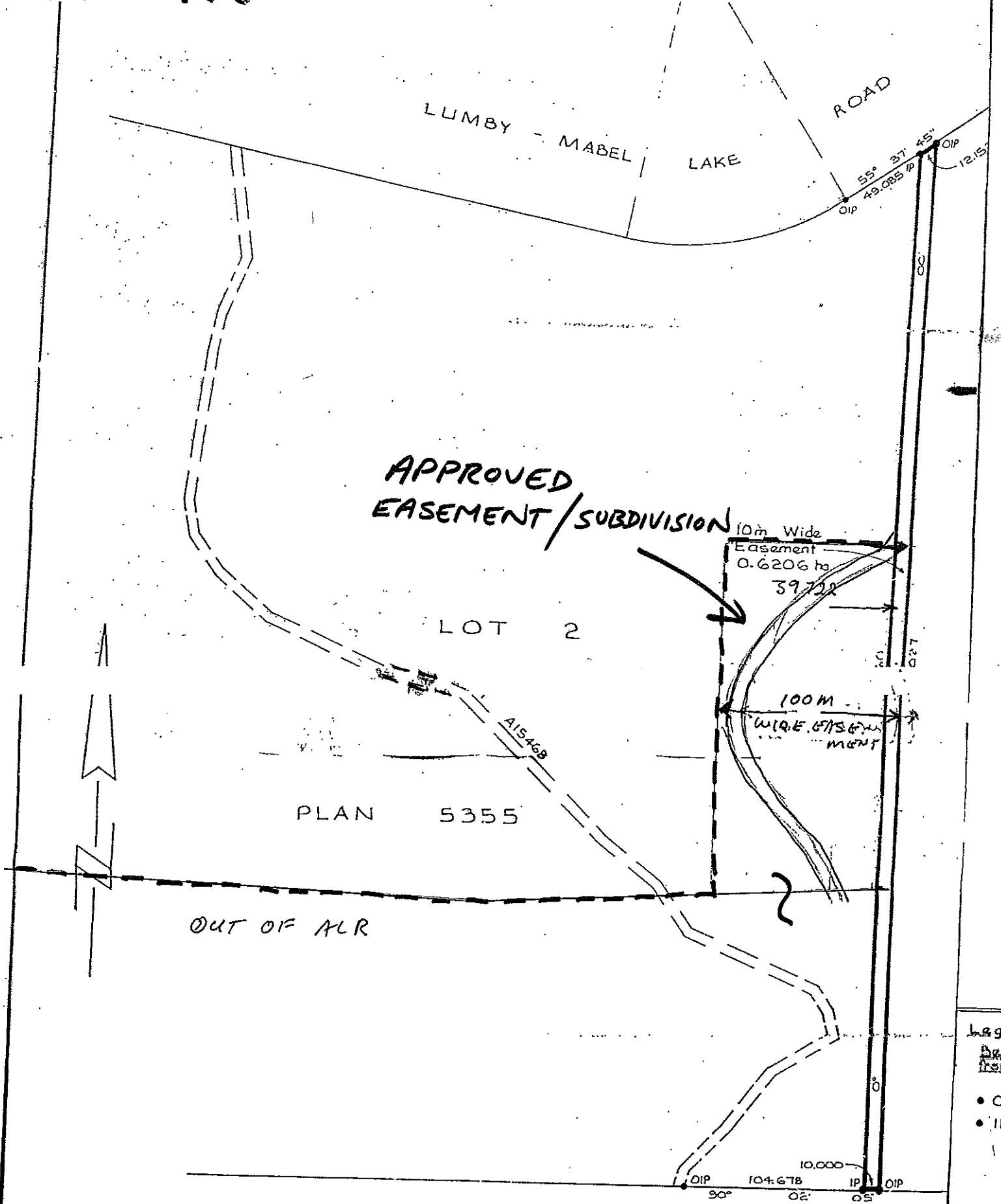

Erik Karlsen, Chair

cc: Regional District of North Okanagan (04-0840-D-ALR)

Enclosure: Minutes/Sketch Plan

APPLICATION T-35711
RESOLUTION #594/2007

20-ND





MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 15, 2007 in Vancouver, B.C.

PRESENT:	Sue Irvine	Chair, Okanagan Panel
	Roger Mayer	Commissioner
	Sid Sidhu	Commissioner
	Brandy Ridout	Staff
	Martin Collins	Staff

For Consideration

Application: # T- 35711
Applicant: Kent & Janice Hansen
Proposal: To subdivide a panhandle (or register an easement) through the ALR portion of the 40 ha property to access the 13 ha non-ALR portion of the property. Two options have been provided;

- use the existing road access bisecting the property;
- construct a new access road on the easterly boundary, with a widened panhandle at the steeper section to accommodate a winding road.

Legal: PID: 005-004-233
Lot 2, Section 8, Township 40, North Saanich District, Plan 5355
Location: Mabel Lake Road, north of Lumby

Site Inspection

Commissioners Sidhu and Irvine recalled their site inspections of the property of March 2005 and December 2005 respectively.

Commissioner Eligible to Vote

Commissioner Roger Mayer was not present at the site inspections, but a summary of the site inspections was provided thus establishing his eligibility to vote on the application.

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 discussed whether a subdivision of the subject property would be required by the Approving Officer, or merely the registration of an easement. It is staff's view that the Ministry of Transportation Approving Officer will likely require a subdivision to ensure the non-ALR block has road access to Mabel Lake Road.

The Commission does not support the subdivision of a panhandle (or the registration of an easement) over the existing road which bisects the ALR portion of the property because it is likely the non-ALR portion will be rezoned for subdivision into multiple smaller (2 ha) lots and that pressures may arise to convert the easement to a public road. It is the Commission's view that dividing the ALR portion of the property by an access road will only increase pressures to subdivide the property into two parcels, citing the existence of the road and traffic as an impediment to operating the property as a single farm unit.

The Commission has no objection to the proposed alternate panhandle access located on the east property boundary. It considers this a suitable location for any future road access to non ALR portion of the property and lands beyond.

IT WAS

MOVED BY: Commissioner Irvine

SECONDED BY: Commissioner Sidhu

THAT there were no persons affected by the reconsideration:

AND THAT the Commission approved the eastern access panhandle easement/
subdivision of property subject to the following conditions:

- the subdivision/easement be in substantial compliance with the attached sketch plan
- the subdivision/easement 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 # 594/2007