



**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

March 17, 2008

Reply to the attention of Brandy Ridout  
ALC File: #T-37923

Richard Shoesmith, BCLS  
3011A-28th Street  
Vernon, BC V1T4Z7

Dear Mr. Shoesmith:

**Re: Application to subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 70/2008 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your clients 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:

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

Erik Karlsen, Chair

cc: Regional District of North Okanagan (07-0784-D-ALR)

Enclosure: Minutes/Sketch Plan

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## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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A meeting was held by the Provincial Agricultural Land Commission on March 6, 2008 in Vernon, BC.

<b>PRESENT:</b>	Sue Irvine	Chair, Okanagan Panel
	Sid Sidhu	Commissioner
	Roger Mayer	Commissioner
	Brandy Ridout	Staff

### For Consideration

Application: # T- 37923  
Applicant: Frederick Lishman  
Agent: Richard Shoesmith, BCLS  
Proposal: Subdivision for a Relative: To subdivide a 2.4 ha lot from the 10.1 ha subject property.  
Legal: PID: 005-367-166  
Lot 3, Section 13 & 14, Township 40, Osoyoos Division Yale District, Plan 25677, EXCEPT Plans 32669, 36898 and KAP70733  
Location: 1410 Mable Lake Road, Lumby

### Site Inspection

A site inspection was conducted on March 5, 2008. Those in attendance were:

- Sue Irvine Chair, Okanagan Panel
- Sid Sidhu Commissioner
- Roger Mayer Commissioner
- Brandy Ridout Staff
- Frederick Lishman Applicant
- Amos Lishman Applicant's son
- Richard Shoesmith Agent

Mr. Shoesmith confirmed that the staff report dated February 18, 2008 was received and no errors were identified.

It was indicated by Amos Lishman that the house on the proposed 2.4 ha lot had been built in 1998 as a fruit stand and later converted to a single family dwelling.

### 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**

### **Assessment of Agricultural Capability**

The agricultural capability of the majority of the soil of the subject property is 70% Class 2 with a limitation of cumulative and minor adverse conditions and 30% Class 3 with limitations of excess water and soil moisture deficiency. Class 2 land has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both. Class 3 land has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

### **Assessment of Agricultural Suitability**

The Commission assessed whether factors have caused or will cause the land to become unsuitable for agriculture. The Commission noted the presence of a large ravine running through the property. Although a narrow trail connected the proposed 2.4 ha lot to the remainder, the Commission believed that the ravine presented a significant obstacle to farming the property as a single unit.

### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long-term goal of preserving agricultural land. As the 2.4 ha area was separated from the remainder of the property by the ravine, the Commission did not believe its subdivision would have a negative impact on the existing or potential agricultural use of the subject property. It also did not believe that the proposal would have a negative impact on agriculture on surrounding lands because of the topographic break between the 2.4 ha and the property to the north and the road between the new lot and the property to the south.

### **IT WAS**

**MOVED BY:** Commissioner Sidhu

**SECONDED BY:** Commissioner Irvine

THAT the application to subdivide a 2.4 ha lot from the 10.1 ha subject property be approved on the grounds that the ravine presents a significant obstacle to farming the property as a single unit.

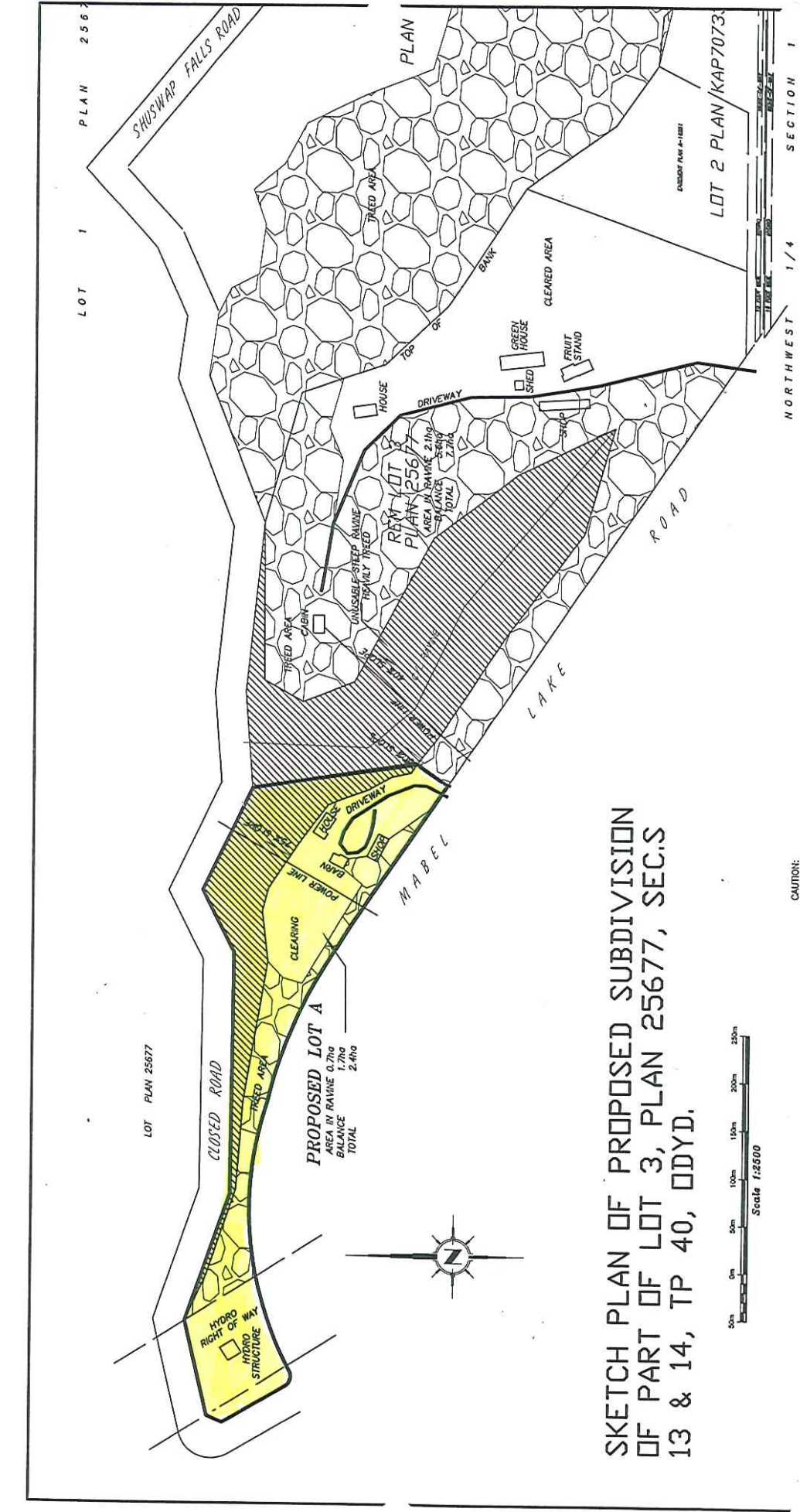
AND THAT the approval is subject to the following conditions:

- 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.

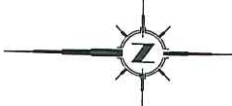
This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

### **CARRIED**

**Resolution #70/2008**



SKETCH PLAN OF PROPOSED SUBDIVISION  
OF PART OF LOT 3, PLAN 25677, SEC.S  
13 & 14, TP 40, DDYD.



CAUTION:  
A THOROUGH EVALUATION OF REQUIREMENTS WAS MADE DURING THE PREPARATION OF THIS SKETCH, BUT IT IS THE SOLE RESPONSIBILITY OF THE USER TO ENSURE FULL COMPLIANCE WITH ALL NECESSARY REGULATIONS.  
ALL DIMENSIONS AND AREAS SHOWN HEREON ARE APPROXIMATE AND ARE SUBJECT TO LEGAL SURVEY.  
THIS SKETCH MAY INCLUDE INFORMATION SUPPLIED BY THE CLIENT OR THE CLIENT'S AGENT.  
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**MOMASHEE  
SURVEYING - GEOMATICS**

FILE 4654

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**Provincial Agricultural Land Commission**  
Application #T-37923  
Resolution #70/2008



2.4 ha area approved for subdivision  
in the ALR