



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
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November 5, 2008

Reply to the attention of Brandy Ridout
ALC File: T-38371

Russell Shortt, B.C.L.S.
2801 - 32nd Street
Vernon, BC V1T5L8

Dear Mr. Shortt:

Re: Application to Subdivide Land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #666/2008 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client 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 the printed name below.

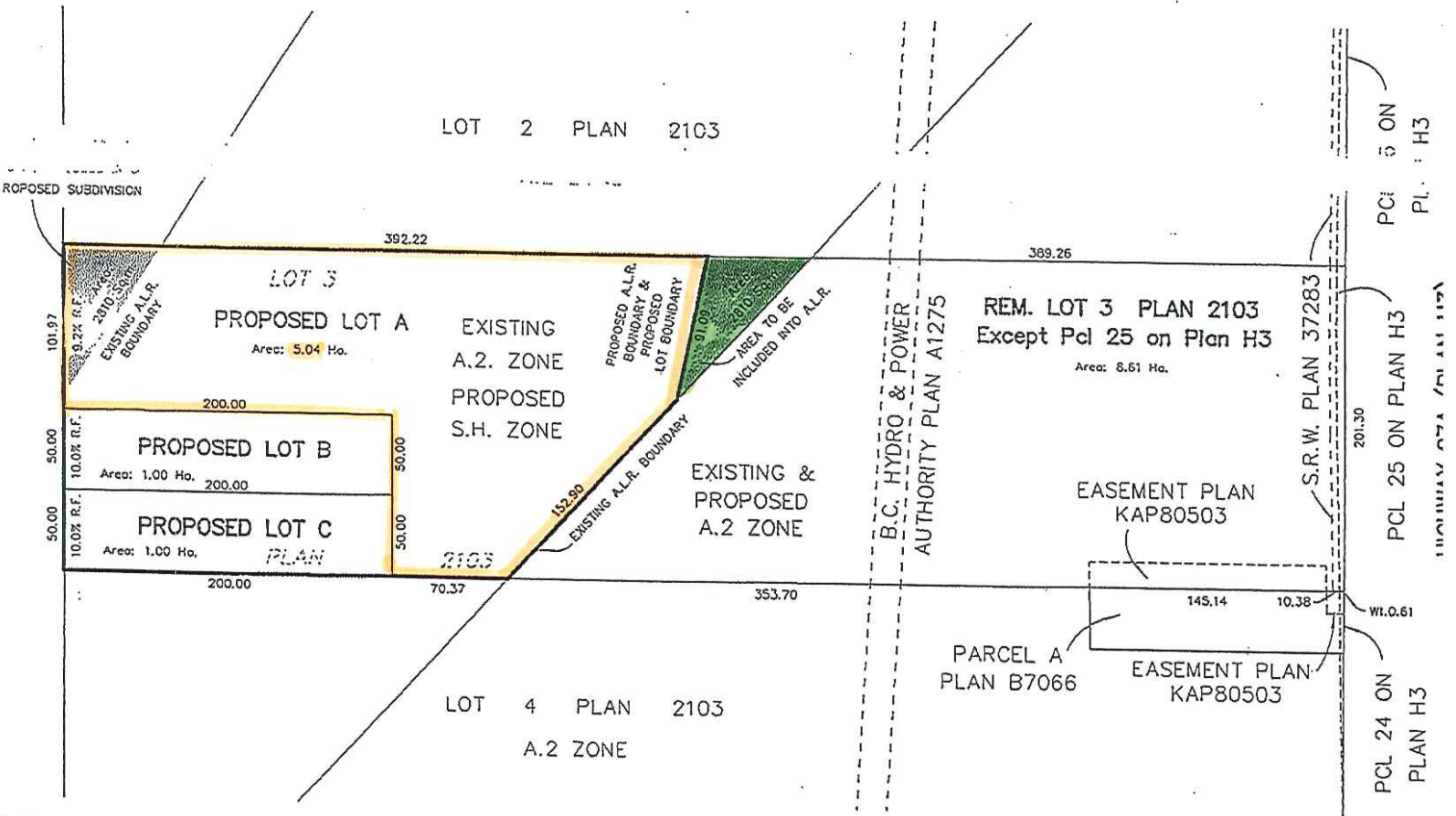
Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: Township of Spallumcheen (08-0258-SPL-ALR)

BR
i/38371d1

PLAN OF PROPOSED SUBDIVISION OF
 LOT 3, PLAN 2103, SEC. 22, TP. 35, K.(O.)D.Y.D., Except PCL 25 ON PLAN H3
 SCALE 1: 2500 (ALL DISTANCES IN METRES)



P. SHORTT, B.C.L.S., 2008.


SELL N. SHORTT
 Columbia Land Surveyor
 SET, VERNON, B.C. Phone 545-0511


FAX: 545-2741
 FILE No. 23123A
 F.B.
 19251120.1044

MAY 30TH, 2008

THIS PLAN IS PREPARED FOR THE
 HUBNER/WATIS

Provincial Agricultural Land Commission
 Application #T-38371
 Resolution #666/2008

 Approved subdivision in the ALR

 0.3 ha area approved for inclusion into the ALR



A meeting was held by the Provincial Agricultural Land Commission on October 8, 2008 at the Keremeos Municipal Hall located at 702-4th Street, Keremeos, BC.

PRESENT:	Roger Mayer	Chair, Okanagan Panel
	Sid Sidhu	Commissioner
	Gerald Zimmermann	Commissioner
	Brandy Ridout	Staff

For Consideration

Application: #T-38371
Applicant: Donald and Joan Hubner
Agent: Russell Shortt, B.C.L.S.
Proposal: To subdivide three lots from the 15.7 ha subject property (2 x 1 ha and 1 x 5 ha). The property lies partly within the ALR and the 3 lots are mainly on the non-ALR portion of the property. The applicant is proposing to include 0.3 ha of the non-ALR portion of the property into the proposed 8.6 ha remainder ALR lot.
Legal: PID: 005-363-748
Lot 3, Section 22, Township 35, Kamloops Division Yale District, Plan 2103, EXCEPT Parcel 25 on Plan H3
Location: 4867 Highway 97A

Site Inspection

A site inspection was conducted on October 7, 2008. Those in attendance were:

- Roger Mayer Chair, Okanagan Panel
- Sid Sidhu Commissioner
- Gerald Zimmermann Commissioner
- Brandy Ridout Staff
- Russell Shortt Agent

Mr. Shortt confirmed that the staff report dated September 26, 2008 was received and no errors were identified.

The necessity of an application was discussed based on the subdivision proposal. Under Section 10 of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* an approving officer may authorize a plan of subdivision without the approval of the Commission if the proposed plan establishes a legal boundary along the boundary of an agricultural land reserve. In the case of the subject property, as there is one block of ALR on both the west and east ends, the property could be subdivided into three lots by subdividing along the ALR boundaries without application to the Commission.

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 soil of the ALR portion of the subject property is 60% Class 3 and 40% Class 4, both with a limitation of topography. Class 3 land has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both. Class 4 land has limitations that require special management practices or severely restrict the range of crops, or both.

Assessment of Agricultural Suitability

The Commission assessed whether factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are factors that render the land unsuitable for agricultural use.

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 Commission has no jurisdiction over the non-ALR portion of the property, it did not consider the two proposed 1 ha lots. With regard to the subdivision of the proposed 5 ha lot, as it would not subdivide the ALR portion in the northwest corner of the property and would subdivide along the ALR boundary on the eastern boundary, it would have no impact on agriculture.

The Commission considered the proposed inclusion to be a benefit to agriculture as it would include land that was presently fenced and used as part of the easterly field on the subject property.

IT WAS

MOVED BY: Commissioner Zimmermann
SECONDED BY: Commissioner Mayer

THAT the application to subdivide three lots from the 15.7 ha subject property (2 x 1 ha and 1 x 5 ha) and include 0.3 ha of the non-ALR portion of the property into the proposed 8.6 ha remainder ALR lot be approved.

AND THAT the approval is subject to the following conditions:

- The subdivision be in substantial compliance with the plan submitted with the application. An inclusion application must be submitted to complete the inclusion of the proposed 0.3 ha.
- 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 #666/2008