



Agricultural Land Commission
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December 1, 2008

Reply to the attention of Brandy Ridout
ALC File: **V-38599**

Mark Wong
RR1 - Site 11b - Comp 11
Princeton, BC V0X1W0

Dear Mr. Wong:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution #743/2008 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client accordingly.

By way of a copy of this letter, the Commission is advising the Registrar of Land Titles of its order and confirming that the ALR notation is to be removed from Certificate of Title CA561806.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:


Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: Regional District of Okanagan-Similkameen (H-08-01096-000)
BC Land Title & Survey, Kamloops
BC Assessment, Penticton

BR/
i/38599d1



A meeting was held by the Provincial Agricultural Land Commission on November 28, 2008 at the offices of the Regional District of Okanagan-Similkameen located at 101 Martin Street, Penticton, BC.

PRESENT:	Roger Mayer	Chair, Okanagan Panel
	Sid Sidhu	Commissioner
	Gerald Zimmermann	Commissioner
	Martin Collins	Staff

For Consideration

Application: #V- 38599
 Applicant: Thomas Sellmer
 Agent: Mark Wong
 Proposal: To exclude the 15.4 ha subject property from the ALR.
 Legal: PID: 008-574-235
 District Lot 2077, Block B, Kamloops Division Yale District, EXCEPT Plan H18603
 Location: 3661 Princeton-Summerland Road, approximately 35 km north of Princeton and 44 km west of Summerland

Site Inspection

A site inspection was not conducted for the application. The Commission recalled the site visit that was conducted for application #V-38040 on May 7, 2008. Those in attendance were:

- Roger Mayer Chair, Okanagan Panel
- Sid Sidhu Commissioner
- Gerald Zimmermann Commissioner
- Brandy Ridout Staff
- Martin Collins Staff
- Thomas Sellmer Applicant
- Mark Wong Agent

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 Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system indicates that the agricultural capability of the majority of the soil of the subject property is Class 5MP while a small portion in the southeast corner is predominantly Class 7TR.

Classes:

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

Class 7 – Land in this class has no capability for arable or sustained natural grazing

Subclasses:

M soil moisture deficiency
P stoniness
R shallow soil / bedrock outcroppings
T topography

The Commission noted that the land has some challenges due to elevation and poor soils. A 1977 letter from A.B. Dawson, a soils specialist with the Soils Branch of the Department of Agriculture, indicates that "the acreage in the ALR in Lots 2075 and 2077, located northeast of Chain Lake, is isolated and also has very limited use for agriculture. Due to subdivision and population surrounding Chain Lake, this small area in the ALR would be better used for recreation".

Assessment of Impact on Agriculture

During its 1986 review of the Chain, Link and Osprey Lakes Rural Land Use Bylaw (#V-20231), the Commission indicated that it would have no objections to considering the exclusion of Lots 2075 and 2077 as they have limited agricultural potential (the subject property is the eastern half of Lot 2077). In its decision on application #V-38040, the Commission indicated that based on the 1986 review of the area, the soils specialist's report, and the Commission's site visit of May 7, 2008, it would be prepared to entertain an application for exclusion of the subject property from the ALR.

Conclusion

The exclusion of the subject property will not have a negative impact on agriculture.

IT WAS

MOVED BY: Commissioner Mayer

SECONDED BY: Commissioner Zimmermann

THAT the application to exclude the 15.4 ha subject property from the ALR be approved.

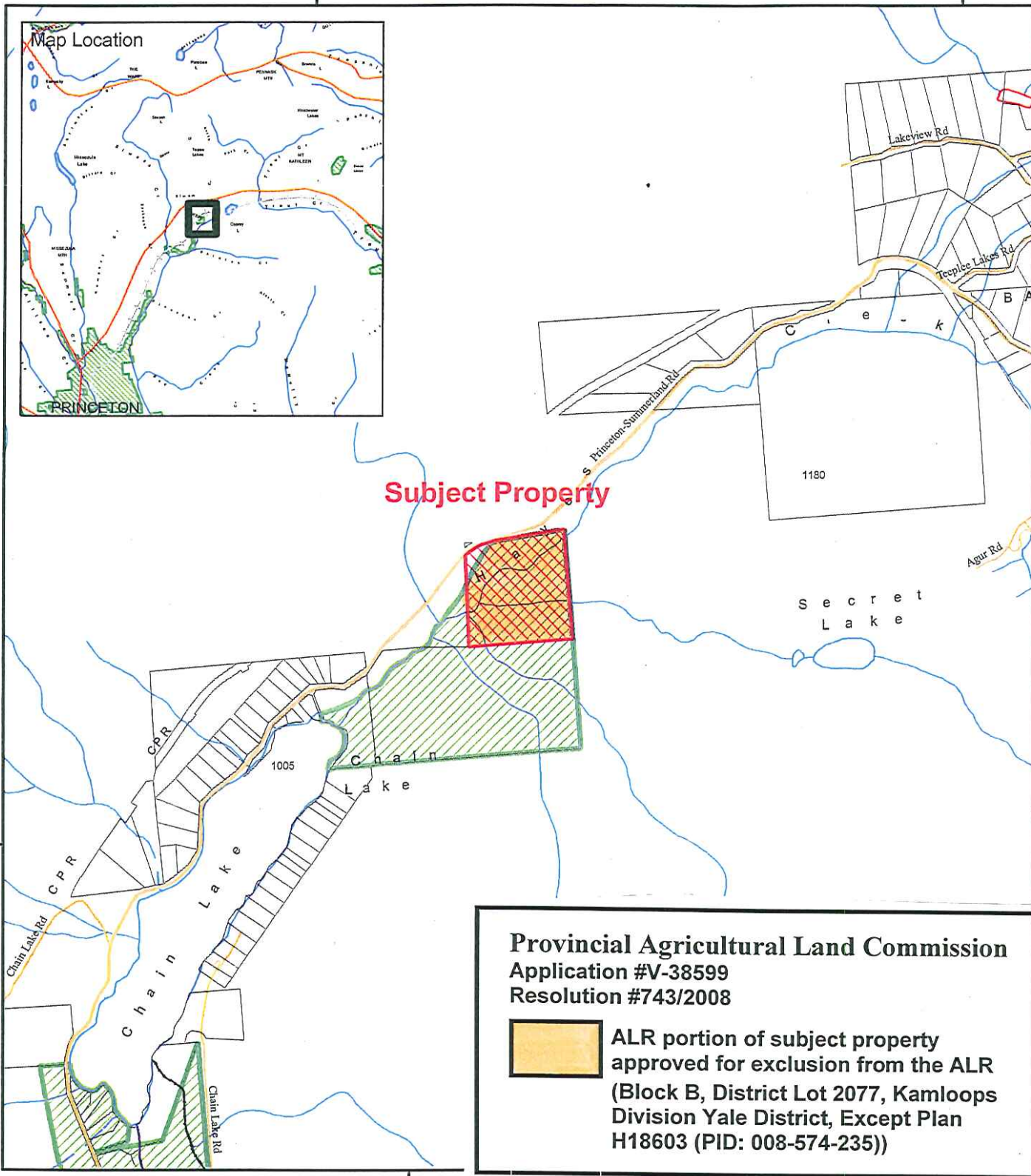
This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED

Resolution #743/2008

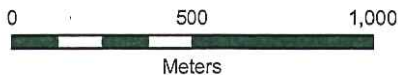
121° W

120°14'0"W



Context Map

Map Scale: 1:20,000



ALC File #:	02-08-38599
Mapsheet #:	92H.079
Map Produced:	Nov 12, 2008
Regional District:	Okanagan-Similkameen