



Agricultural Land Commission
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December 9, 2008

Reply to the attention of Simone Rivers
ALC File: ZZ-37158

Norman Frank
PO Box 52 - 1315 Hook Road
Monte Creek, BC V0E2M0

Dear Mr. Frank:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 567/2008 outlining the Commission's decision as it relates to the above noted application.

A sketch illustrating the Commission's decision is attached.

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 that reads "Simone Rivers". The signature is written in a cursive, flowing style.

Erik Karlsen, Chair

cc: Thompson-Nicola Regional District (ALR-L-379)

Enclosure: Minutes/Sketch Plan

SBR/
i/37158d1



A meeting was held by the Provincial Agricultural Land Commission on November 20, 2008 at the Morris Wosk Centre for Dialogue, Vancouver, B.C.

PRESENT:	Grant Huffman	Chair, Interior Panel
	Holly Campbell	Commissioner
	Gordon Gillette	Commissioner
	Simone Rivers	Staff
	Martin Collins	Staff

For Consideration

Application: # ZZ- 37158
Applicant: Norman Frank
Proposal: To subdivide one 8 ha lot from the 35.6 ha property.
Legal: PID: 002-749-084
Lot 3 of the Northeast ¼ of District Lot 292, Section 26, Township 19, Range 15, West of the 6th Meridian, Kamloops Division Yale District, Plan 36166
Location: 1315 Hook Road, Monte Creek

Site Inspection

A site inspection was conducted on September 18, 2008. Those in attendance were:

- Grant Huffman Chair, Interior Panel
- Holly Campbell Commissioner
- Gordon Gillette Commissioner
- Simone Rivers Staff
- Norm Frank Applicant
- Eileen Frank Applicant's Wife

The applicant explained to the Commission that he would like to build a new home on a portion of the property. This application was initially submitted in 2007 but a decision was not made as the applicant had had health problems and the Commission had been unable to contact him to arrange a site visit. After some time the Commission had contacted Mr. Frank to ask if he wished to pursue the application. He indicated that he did and provided the Commission with a revised sketch showing the location the proposed lot.

The Commission noted that the property had limited agricultural capability due to topography. The property consisted of a bench above higher capability lands below. The subject property was separated from the adjacent properties to the north by a steep topographical change.

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 Commission noted that only about half of the subject property was in the ALR as much of it was steep hillside. It further noted that the portion that was in the ALR had limited agricultural capability of Class 5C.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission does not believe the proposal would impact existing or potential agricultural use of surrounding lands as the subject property is physically separated from the higher capability lands to the north by a topographic break.

Assessment of Other Factors

The Commission noted that a portion of the subject property is outside of the ALR. As such, the applicant could subdivide along the ALR boundary without reference to the Commission. Subsequent to the site visit the applicant indicated to Commission staff that he wishes to pursue this option, thus creating a total of three lots. As this subdivision is along the ALR boundary, when canvassed, the Commission had no objection to the creation of a third lot.

There is a decision from 1980 that has never been acted on, which allowed subdivision of the property into 8 ha lots subject to fencing. In light of its new decision on the property the Commission believes the previous decisions should be rescinded.

Conclusions

1. That the land under application has limited agricultural capability.
2. That the proposal will not impact agriculture.

IT WAS

MOVED BY: Commissioner Huffman

SECONDED BY: Commissioner Gillette

THAT the application be allowed.

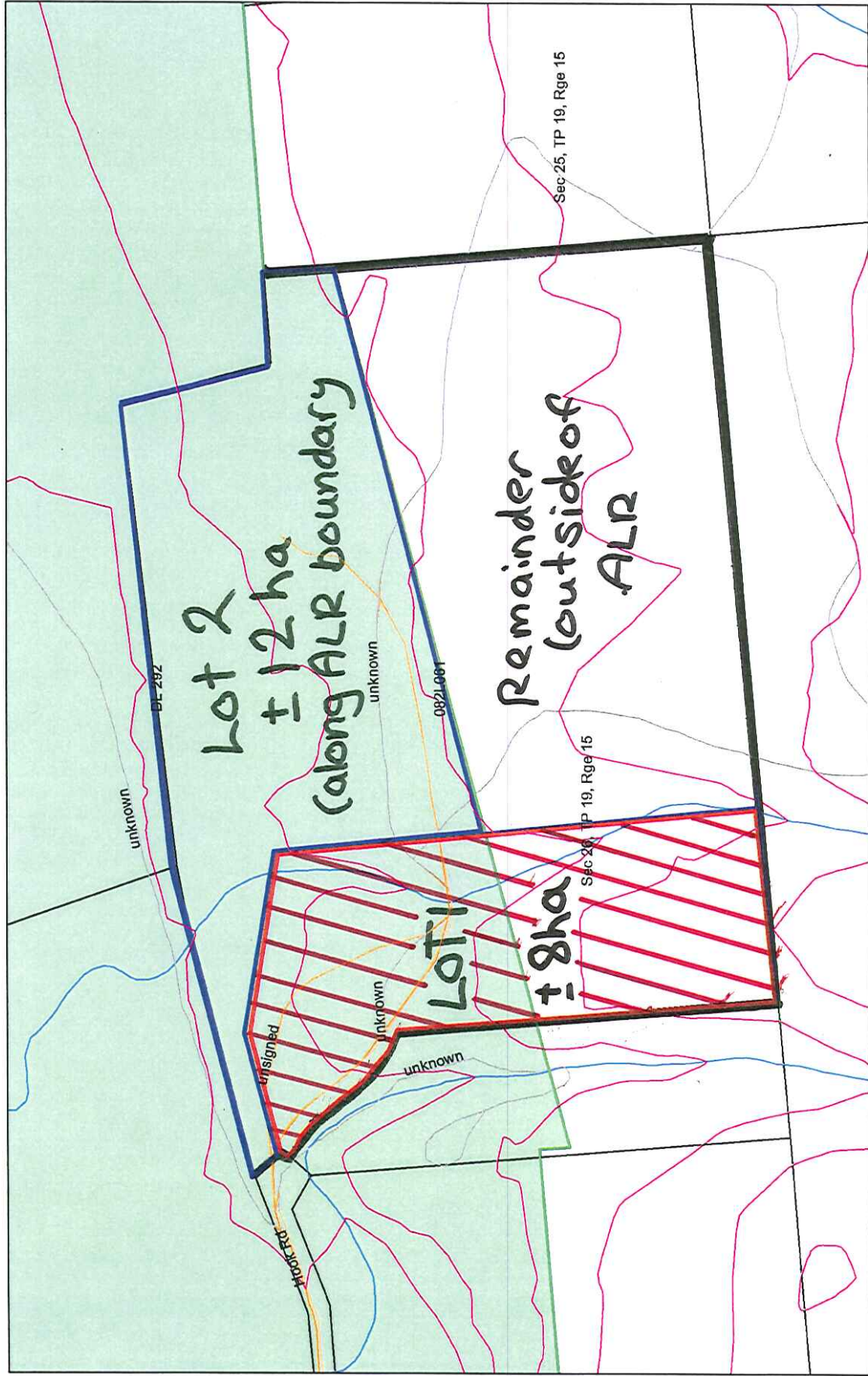
AND THAT the approval is subject to the following conditions:

- the rescission of Commission Resolutions 369/1980 and 902/1980
- 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 # 567/2008

ALC APPLICATION #ZZ-37158 RESOLUTION # 567/2008



Scale: 1: 5,000