



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
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www.alc.gov.bc.ca

April 13, 2010

Reply to the attention of Simone Rivers
ALC File 50161

Doug Dodge
c/o Exton and Dodge Land Surveying Inc.
133 Borland Street
Williams Lake, B.C. V2G 1R1

Dear Mr. Dodge:

Re: Request for Reconsideration

This is further to your letter of December 3, 2009 in which you asked the Provincial Agricultural Land Commission to reconsider Resolution #883/2009.

The Commission has reconsidered the matter and has attached the Minutes of Resolution # 2299/2010 outlining its latest decision. As agent, it is your responsibility to notify your client(s) 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 that reads "Simone Rivers". The signature is written in a cursive, flowing style.

Erik Karlsen, Chair

cc: Cariboo Regional District (4035-20-E066)

Enclosure: Minutes/Sketch Plan

SBR/50161d2



A meeting was held by the Provincial Agricultural Land Commission on March 16, 2010, in Kamloops B.C.

PRESENT:	Grant Huffman	Chair, Interior Panel
	Lucille Dempsey	Commissioner
	Simone Rivers	Staff

ABSENT:	Gordon Gillette	Commissioner
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For Consideration

A letter from Doug Dodge was received requesting that the Commission reconsider its decision recorded as Resolution #883/2009.

Application:	50161
Applicant:	Leander and Geraldyn Doyle
Agent:	Doug Dodge
Original proposal:	To subdivide the two lots into five lots. Three of the proposed lots are entirely outside the ALR. The two lots located within the ALR will be bound together by covenant. To dedicate 0.17 ha as road in order to access lands beyond.
Original decision:	Refused.
Current proposal:	To reconsider the Commission's refusal
Legals:	PID: 015-120-175 The Fractional North East ¼ of Section 35, Township 44, Lillooet District, Except Plan KAP49530 and KAP61193 PID: 015-120-007 District Lot 128, Cariboo District, Plan PGP45324
Location:	Chimney Lake Road.

Context

The proposal was considered under Section 33 of the Agricultural Land Commission Act (the "Act") which states:

- S33(1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that
- (a) evidence not available at the time of the original decision has become available,
 - (b) all or part of the original decision was based on evidence that was in error or was false, or
 - (c) a recommendation by a facilitator under section 13 relating to a dispute warrants a reconsideration of the original decision.

The Commission believed that the applicant had provided evidence that was not available at the time of the original decision and so reconsidered the application.

Discussion

The Commission considered the new information provided by the agent which stated that an error had been made on the map provided with the application. The area of lot 4 was initially shown to be 27.9 ha when it was only 24.8 ha. This meant that even if lots 4 and 3 were consolidated (not subdivided) this combined lot would not be large enough to meet the Regional District's minimum parcel size. Based on this information the Commission was willing to consider allowing the subdivision of a portion of DL 128, to be bound by covenant to lot 4. However, the Commission noted that the minimum parcel size required by the Regional District is 30 ha whereas the combined area of Lot A and Lot 4 is 34.5 ha. The Commission would approve a smaller subdivision from DL 128 that creates a combined lot of 30 ha. This would reduce the size of Lot 1 to approximately 5.2 ha.

IT WAS

MOVED BY: Commissioner Huffman
SECONDED BY: Commissioner Dempsey

THAT for the purposes of Section 33(2) of the *Agricultural Land Commission Act*, there are no persons it considers affected by the reconsideration.

AND THAT the request be refused as proposed.

AND THAT the Commission would allow the subdivision of a smaller portion of DL 128 not exceeding 5.2 ha or the area necessary to create a combined area of 30 ha when Lot 4 and Lot A are combined.

AND THAT the Commission would allow the 0.17 ha of road dedication as required by the Ministry of Transportation and Infrastructure. It is the Commission's understanding that this road is only being dedicated at this time and not built.

AND THAT the approval is subject to the following conditions:

- the subdivision must be completed within three (3) years from the date of this decision.

AND THAT the applicant be advised that the time limit for submitting a request for reconsideration is one (1) year from the date of the original decision letter. Therefore any further reconsideration requests must be received at this office prior to September 15, 2010.

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.

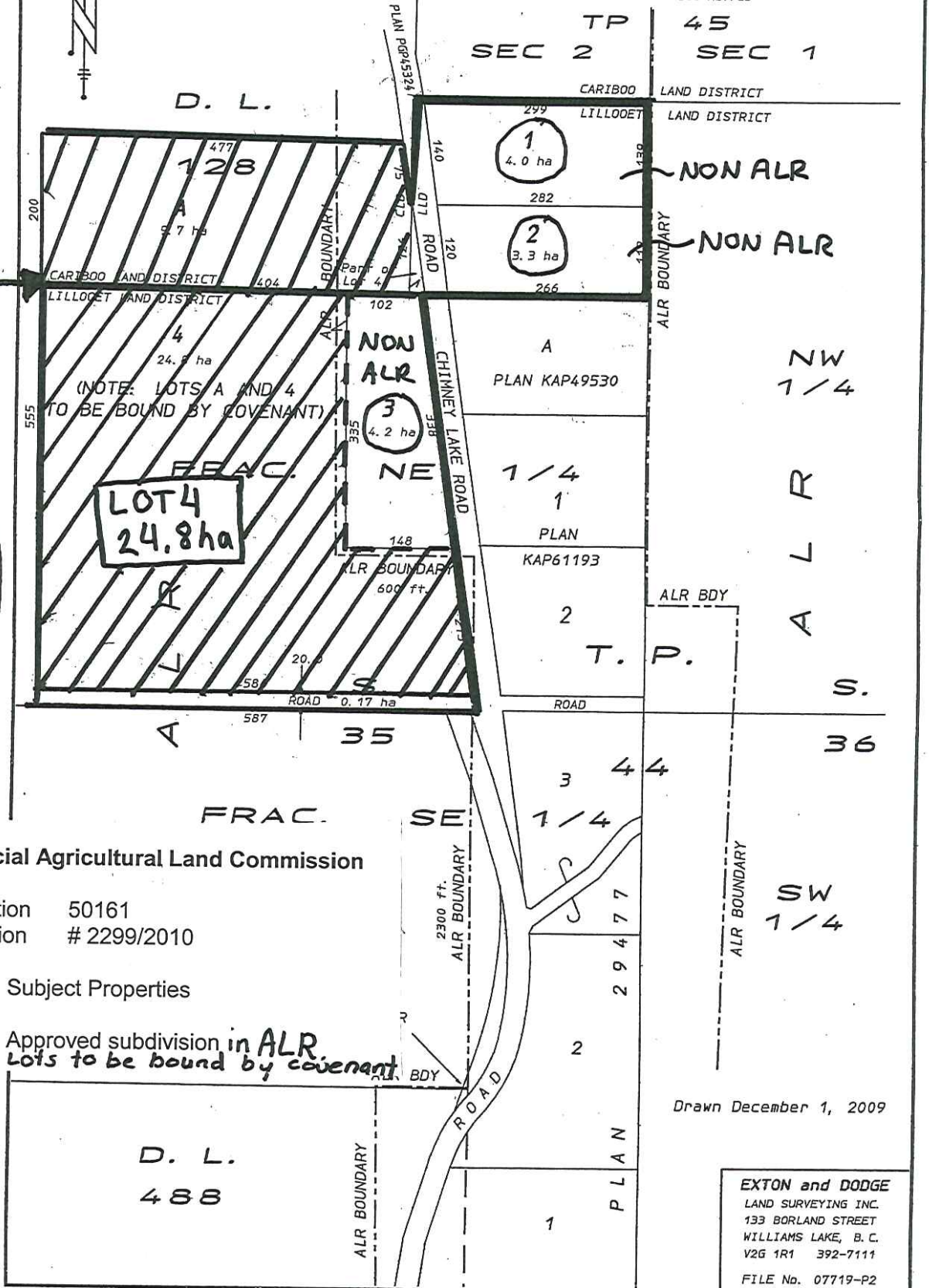
CARRIED

Resolution # 2299/2010

PLAN OF PROPOSED SUBDIVISION OF
 THE FRACTIONAL N/E 1/4 OF SECTION 35, Tp. 44,
 LILLOET DISTRICT, EXCEPT PLANS KAP49530 AND KAP61193.
 AND PART OF DL 128, CARIBOO DISTRICT, EXCEPT PLAN PGP45324.

SCALE 1 : 5000

100 50 0 250 500 Metres



Total size of Lot A 34.5
 Minimum parcel size 30 ha
 Reduce Lot A to no greater than 15.2 ha

Provincial Agricultural Land Commission

Application 50161
 Resolution # 2299/2010

Subject Properties

Approved subdivision in ALR.
 Lots to be bound by covenant

Drawn December 1, 2009

EXTON and DODGE
 LAND SURVEYING INC.
 133 BORLAND STREET
 WILLIAMS LAKE, B.C.
 V2G 1R1 392-7111
 FILE No. 07719-P2