



Agricultural Land Commission
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December 8, 2010

Reply to the attention of Martin Collins
ALC File 51723

Carol Pinette
4652 Highway 97A
Armstrong, B.C.
V0E 1B8

Dear Madam:

Re: Request for Reconsideration

This is further to your letter received September 16th, 2010 in which you asked the Provincial Agricultural Land Commission to reconsider Resolution #2519/2010.

The Commission has reconsidered the matter and has attached the Minutes of Resolution # 2803/2010 and a sketch plan outlining its latest decision.

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: 

Brian Underhill, Executive Director

cc: Township of Spallumcheen (10-0037-SPL-ALR)

Enclosure: Minutes/Sketch Plan

MC/51723/d2



A meeting was held by the Provincial Agricultural Land Commission on November 25th, 2010 at Kelowna, B.C.

PRESENT:	Roger Mayer	Vice Chair, Okanagan Panel
	Jim Johnson	Commissioner
	Sylvia Pranger	Commissioner
	Martin Collins	Staff
	Brandy Ridout	Staff

For Consideration

A letter from Carol Pinette was received on September 16th, 2010 requesting that the Commission reconsider its decision recorded as Resolution #2519/2010 to refuse a one lot subdivision of her property. The letter expressed concern that a site visit was not conducted for the original decision.

Application:	51723
Applicant:	Carol Pinette
Original proposal:	To subdivide a 1.5 ha lot from the 6.7 ha property
Original decision:	Refuse as proposed
Current proposal:	To subdivide a 1.5 ha lot from the 6.7 ha property
Legal:	PID 001-691-376
Location:	Highway #97, north of Armstrong

Site Inspection

A site inspection was conducted on November 24th, 2010. Those in attendance were:

- Roger Mayer Chair, Okanagan Panel
- Sylvia Pranger Commissioner
- Jim Johnson Commissioner
- Martin Collins Staff
- Jerry Popoff friend of applicant
- Carol Pinette Applicant
- Andrew Casson Spallumcheen Council member

It was noted that the proposed 1.5 ha lot contained a permanent residence (as did the larger, agricultural remainder), and was separated from any other farm operations by a ravine, stream, Highway #97, and steep slopes.

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 site visit provided evidence that was not available at the time of the original decision and so reconsidered the application.

Discussion

The Commission recalled its earlier refusal of the application was not based on a site assessment, but on its concerns about the potential negative impacts of rural residential subdivision on surrounding and nearby farmland; its previous decisions to refuse subdivision; and the lack of support provided by OCP policies and Spallumcheen planning staff.

Upon viewing the property it was noted that the proposed 1.5 ha lot was well buffered from any agricultural activity by a ravine, steep slopes, a stream, and Highway 97, and that the land had no agricultural potential due to severe topography and existing residential uses. The Commission did not believe that the proposed subdivision represented any loss of productive capacity, or that it would have any substantive affects on adjoining and nearby farm activity.

IT WAS

MOVED BY: Commissioner S. Pranger

SECONDED BY: Commissioner R. Mayer

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 to subdivide a 1.5 ha lot from the 6.7 ha property be approved.

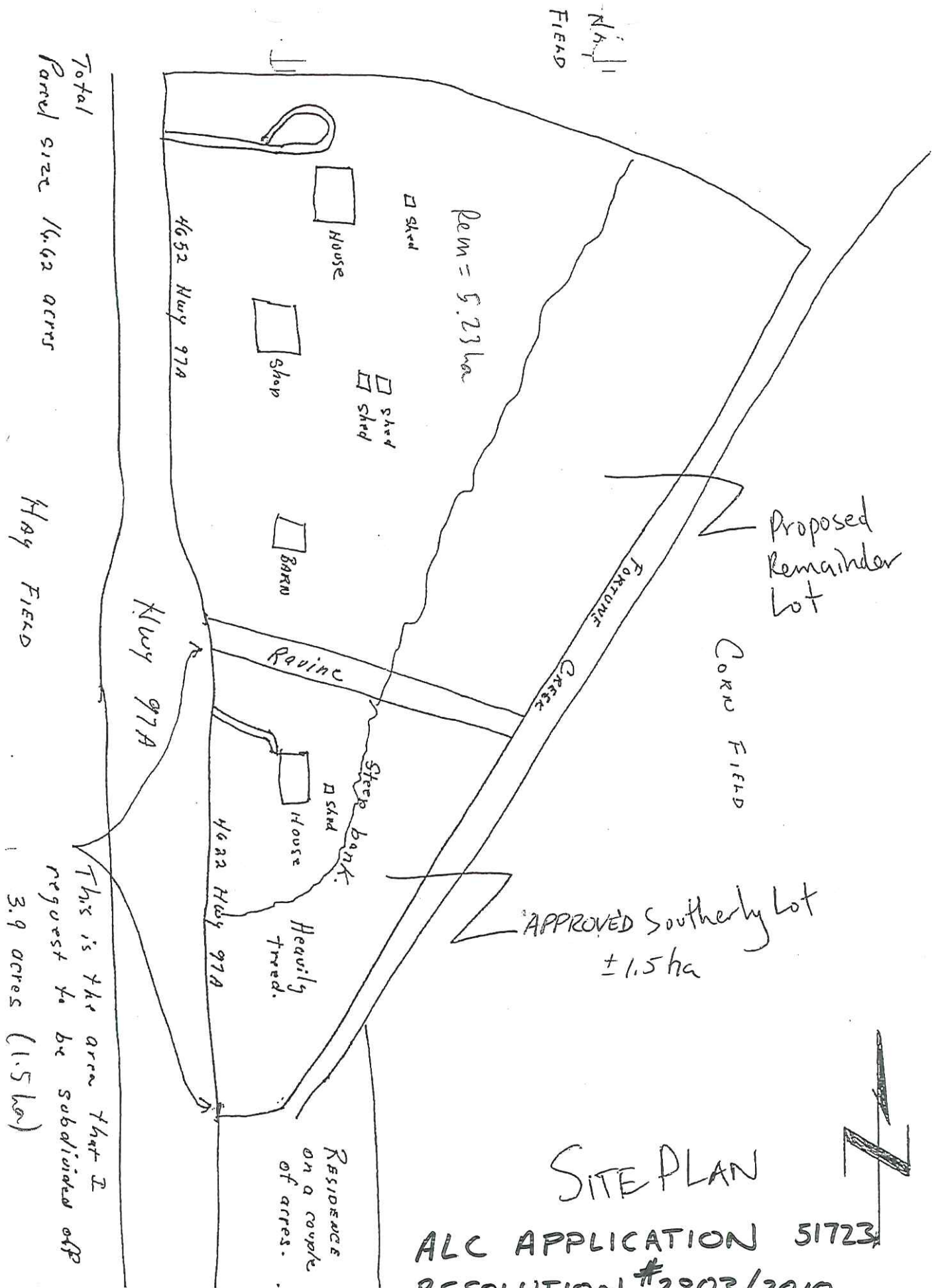
AND THAT the approval is subject to the following condition:

- 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 # 2803/2010



Total
Panel size 16.62 acres

Hay FIELD

This is the area that I
request to be subdivided off
3.9 acres (1.5 ha)

SITE PLAN
ALC APPLICATION 51723
RESOLUTION #2803/2010