



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

March 24, 2011

Reply to the attention of Ron Wallace
ALC File 51631

Brian Wolf, Natasha Fochler
PO Box 54
Lot #10, Beaver Creek Road
Beaverdell, BC
V0H 1A0

Dear Mr. Wolf and Ms. Fochler:

Re: Request for Reconsideration

This is further to your letter in which you asked the Provincial Agricultural Land Commission to reconsider Resolution #2513/2011.

The Commission has reconsidered the matter and has attached the Minutes of Resolution # 100/2011 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:

A handwritten signature in black ink, appearing to read 'Brian Underhill', is written over a white background.

Brian Underhill, Executive Director

cc:
regional District of Kootenay-Boundary

Enclosure: Minutes/Sketch Plan

RW/51631d2



A meeting was held by the Provincial Agricultural Land Commission on February 28, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

PRESENT:	Richard Bullock	Chair
	Barry Minor	Chair, Kootenay Panel
	Jerry Thibeault	Commissioner
	Roger Cheetham	Staff
	Ron Wallace	Staff

For Consideration

A letter from Brian Wolf & Natasha Fochler was received requesting that the Commission reconsider its decision recorded as Resolution #2513/2010. It indicated that the applicants would like to subdivide the property and sell the portion of the property lying to the east of Beaver Creek to the adjacent neighbour to be used for hay growing and grazing for his cattle.

Application:	51631
Applicant:	Brian Wolf and Natasha Fochler
Original proposal:	To subdivide the 8.8 ha property into two parcels as separated by Beaver Creek.
Original decision:	Refused as the Commission believed Beaver Creek did not create a significant barrier to farming the property as a whole.
Current proposal:	To subdivide the property as proposed and to sell the portion of the property lying to the east of Beaver Creek to the neighbour who would like to add that piece to his existing farm and utilize it for hay growing and grazing for his cattle.
Legal:	Lot 1, DL 1466, Similkameen Division Yale District, Plan 34487
Location:	Beaver Creek Road, northeast of Beaverdell

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 reviewed the letter from the applicants requesting reconsideration of the application. The applicants would like to subdivide the property and sell the portion of the property lying to the east of Beaver Creek to the adjacent neighbour to be used for hay growing and grazing of their cattle. The Commission noted there was some mention of there being a potential buyer for the eastern portion of the property during its initial review of the application, but this option was not stressed by the applicants.

However, the Commission believed the current proposal has merit and would benefit agriculture provided the portion of the subject property lying to the east of Beaver Creek is consolidated by legal survey with either the adjacent land to the east or south of the subject land. Subject to this condition the Commission would support the proposed subdivision.

IT WAS

MOVED BY: Commissioner Minor
SECONDED BY: Commissioner Thibeault

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 for subdivision be approved.

AND THAT the approval is subject to the following conditions:

- The subdivision be in substantial compliance with the attached map and subject to the consolidation by legal survey of the portion of the subject land lying east of Beaver Creek with either the adjacent land to the east or south of the subject land.
- 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.

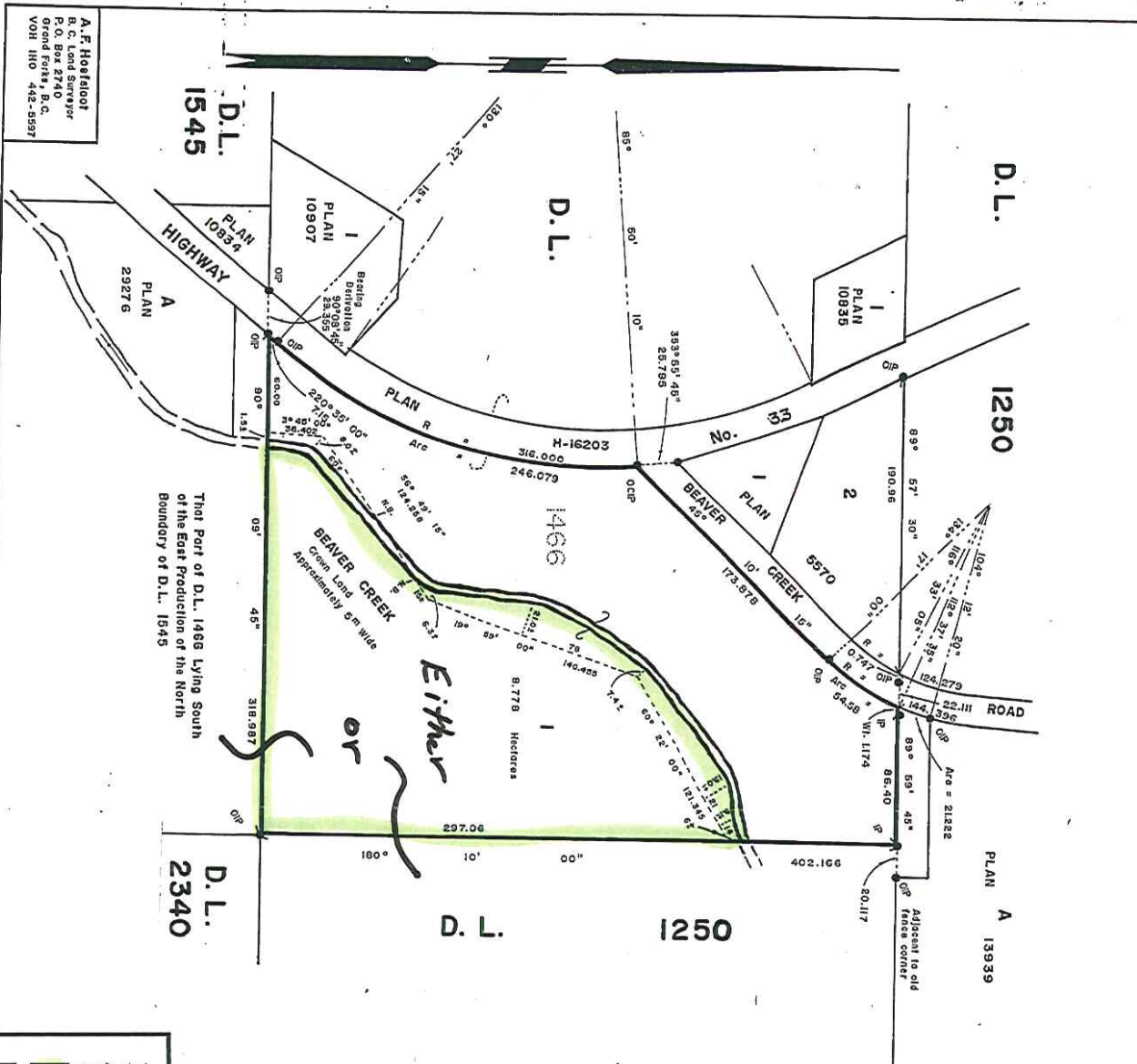
CARRIED

Resolution # 100/2011

PLAN OF SUBDIVISION OF PART OF D.L. 1466 S.D.Y.D.

17-KB-R11-M2

PLAN 24487



Deposited in the Land Title Office of
Kamloops, B.C., this 9
day of JANUARY 1984

[Signature]
REGISTERED
OFFICER

Approved under the Land Title Act this
18 day of January 1984.

[Signature]
Approving Officer for the Ministry of
Transportation & Highways (Hwy's.)

This plan lies within the Kootenay Boundary
Regional District.

LEGEND

- Bearings are astronomic, derived from Plan H - 16203.
- OIP denotes standard iron post found.
- IP denotes standard iron post set.
- OCP denotes standard capped iron post found.
- Wt. denotes witness.
- N.B. denotes natural boundary.

"The registered owner designated hereon declares that she has entered into a covenant in favour of the Ministry of Transportation & Highways (Hwy's.) under Section 215 of the Land Title Act."

I, A.F. Hoerstoel, a British Columbia Land

Provincial Agricultural Land Commission
Application #51631
Resolution #100/2011

- Area approved for conditional subdivision
- Lots to be consolidated by legal survey

A.F. Hoerstoel
R.C. Land Surveyor
P.O. Box 2740
Grand Forks, B.C.
V0R 1H0 442-8597