



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

July 26, 2011

Reply to the attention of Lily Ford
ALC File 52330

Dale Day, Deborah Owens, and Guy Owens
c/o A.F. Hoefsloot
Hoefsloot Land Surveying Ltd.
Box 2740
Grand Forks, BC
V0H 1H0

Dear Mr. Hoefsloot:

Re: Application to Subdivide in the Agricultural Land Reserve

Please find attached Minutes of Resolution # 274/2011 outlining the Commission's decision as it relates to the above noted application. A copy of the sketch plan submitted with your application, and referenced in the minutes, is also enclosed.

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.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:


Richard Bullock, Chair

Enclosure: Minutes/Sketch Plan

cc: Regional District of Kootenay Boundary

LF/52330d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on July 26, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, BC.

FOR CONSIDERATION

Application:

(Submitted pursuant to section 21(2) of the Agricultural Land Commission Act)

Application: 52330
Applicant: Dale Day, Deborah Owens, and Guy Owens
Agent: Hoefsloot Land Surveying Ltd.
Proposal: Request to subdivide a 62.1 ha parcel into two 17 ha parcels with a 28 ha remainder. The approximately 10 ha ALR portion of the property is located in the 28 ha remainder, with the exception of an approximately 0.4 ha area just west of Jolly Jack Road.
Legal: District Lot 739S Similkameen Division Yale District Except Plan KAP60154
Location: 1755 Jolly Jack Road, Kerr Creek
Background: The property is located in a narrow valley in a mountainous rural area comprised mainly of quarter-section sized lots. The property is cleared but otherwise undeveloped. Adjacent land uses are primarily recreational, although a residence is located on the lot immediately to the south. According to Herb Luttmending, P.Ag., who reviewed the area as part of his work on the Boundary Agricultural Area Plan, the agricultural capability of the ALR land on the property is Class 6 with limitations due to topography and stoniness, with the 0.4 ha portion rated as Class 5 limited by topography and soil moisture deficiency (unimprovable). These ratings are generally consistent with British Columbia Land Inventory (BCLI) ratings; however, BCLI map 82/E2 shows the Class 5 area as improvable to Class 3.
Attachment: Resolution #016N/2011

DELEGATION OF DECISION-MAKING TO THE CHIEF EXECUTIVE OFFICER (CEO)

On June 27, 2011 the Commission delegated decision-making to the CEO by Resolution #016N-2011 (File: 135-45/ALC/CEO/APPL). In accordance with section 27 of the *Agricultural Land Commission Act* the Commission has specified that the following applications may be decided by the CEO.

Criterion 14

Exclusion, subdivision, non-farm use and inclusion applications that are not consistent with any of the existing approved criterion (Criterion 1 – 13) but nonetheless is minor in nature and in the opinion of the CEO, the interests of the Commission would be unaffected by an approval of the application.

DECISION:

After reviewing the entire file material, I, Richard Bullock, Chief Executive Officer of the Commission, am satisfied that the proposal is consistent with Criterion # 14 of Resolution #016N/2011 and approve the application on behalf of the Commission.

Approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- 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.

RESOLUTION # 274/2011

I CERTIFY THAT THIS IS A TRUE RECORD OF THE DECISION

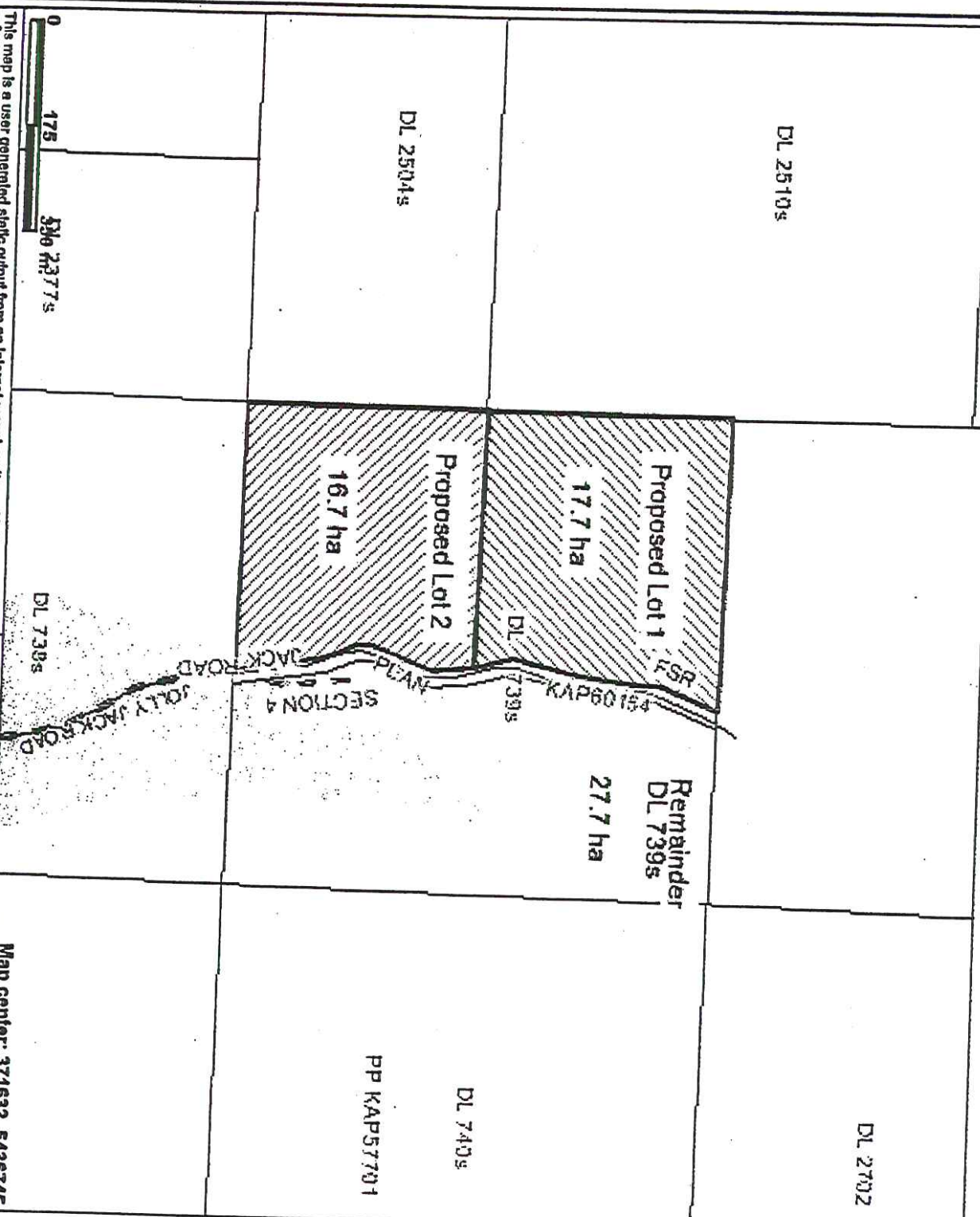


Richard Bullock, Chief Executive Officer



Regional District of Kootenay Boundary
Interactive Mapping System

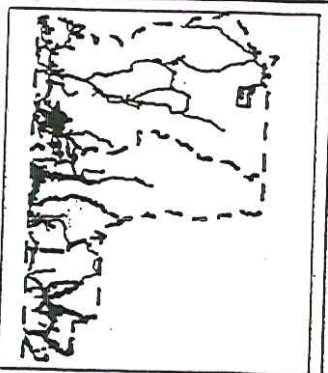
Proposed Subdivision of Part of DL 739s



This map is a user-generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Notes: Owners: Dale Day, Deborah Owens, Guy Owens; Owners Address: RR#2 Site 140 Comp 1, Rook Creek BC, V0H 1Y0; Agent: Hoelsiack Land Surveying Box 2740 Grand Forks, BC, V0H 1H0

Map center: 371632, 5436745



Legend

- ~ Cadastrial Annotation
- ~ Streets
- ~ Cadastrial Lines
- ~ District Lot
- ~ Gas
- ~ Highway
- ~ Hydro
- ~ International Boundary
- ~ Lotline
- ~ Lotline License
- ~ Lotline Water
- ~ Railway
- ~ Abandoned Railway
- ~ Road
- ~ Telephone
- ~ Township
- ~ Other
- ~ Misc Cadastrial Lines
- ~ Alotrip
- ~ Arrow
- ~ Bridge
- ~ Dewdney Trail
- ~ Easement
- ~ Hook
- ~ Lease License
- ~ Map Reserve
- ~ Mineral Claim
- ~ Misc Right-of-Way
- ~ Min Top Marker
- ~ Ski Lift
- ~ Trans-Canada Trail
- ~ Unsurveyed Road
- ~ Other
- ~ Hydrology
- ~ Channel
- ~ Channel

Scale: 1:10,000