



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

April 24, 2012

Reply to the attention of Ron Wallace
ALC File: 52533

Corporation of the Village of Lumby
PO Box 430
Lumby, BC
V0E 2G0

Dear Sir/Madam:

Re: Application for Subdivision in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #166/2012 outlining the Commission's decision as it relates to the above noted application. 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, appearing to read 'Brian Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes/Plan



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 19, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Sylvia Pranger	Vice-Chair
Jim Johnson	Commissioner

COMMISSION STAFF PRESENT:

Ron Wallace	Land Use Planner
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APPLICATION ID: #52533

PROPOSAL: The Village of Lumby is proposing to enlarge the water treatment plant property by adding a 0.05 ha portion of the adjacent property which is located on the east side of the Village owned property. This would increase the current size of the 0.15 ha plant property to 0.2 ha and decrease the size of the adjacent property from 11.53 ha to 11.48 ha. The realigned Village property would continue to be land-locked, with no frontage on a public road.

The easement agreement for the current access to the Village owned property through the adjacent property is proposed to be discharged. New access to the Village property is proposed to be gained by an easement through the adjacent property to the east where existing driveways connect to Maple Street. No newly constructed driveways are proposed.

The Village proposes the boundary adjustment as an 'exchange' of the current access driveway for the 'inclusion' of the currently cultivated 0.05 ha portion. The Village proposes that the portion of the current driveway no longer being used as access could be converted back into agricultural use by the property owner.

(Application submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

PROPERTY 1

Owner:	Garry Monroe Best
Date of Acquisition:	March 7, 2006
Parcel ID:	005-321-077
Title No.	LA29853
Legal Description:	Lot 1, District Lot 308, ODYD, Plan 25793, Except Plans 35201 and KAP80493
Civic Address:	2647 and 2659 Shuswap Avenue
Size:	10.9 ha

Area in ALR: 10.9 ha
Current Land Use: Farm and Residential
Farm Classification: Yes No
(BC Assessment)

PROPERTY 2

Owner: Village of Lumby
Date of Acquisition: March 7, 2006
Parcel ID: 026-608-316
Title No. LA29851
Legal Description: Lot A, District Lot 308, ODYD, Plan KAP90493
Civic Address: 2467 Shuswap Avenue
Size: 0.1
Area in ALR: 0.1
Current Land Use: Business and Other
Farm Classification: Yes No
(BC Assessment)

COMMISSION CONSIDERATION:

Context

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission as: (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

The Commission noted that it approved the 0.15 ha lot and statutory rights of way from the subject property for the existing water treatment plant in June 2004 on the grounds that it is a community need and the potential impacts on agriculture are minimal. For the same reasons the Commission has no objection to the current proposal to expand the size of the water treatment plant property by adding a 0.05 ha portion of the Best farm to the treatment plant parcel. As a condition of this approval the Commission requires the current driveway no longer being used as access, to be rehabilitated back into agricultural use for the property owner.

IT WAS

MOVED BY: Commissioner Jim Johnson
SECONDED BY: Commissioner Jennifer Dyson

THAT the application to expand the size of the water treatment plant property by adding a 0.05 ha portion of the Best farm to the treatment plant parcel be approved.

AND THAT the approval is subject to the following conditions:

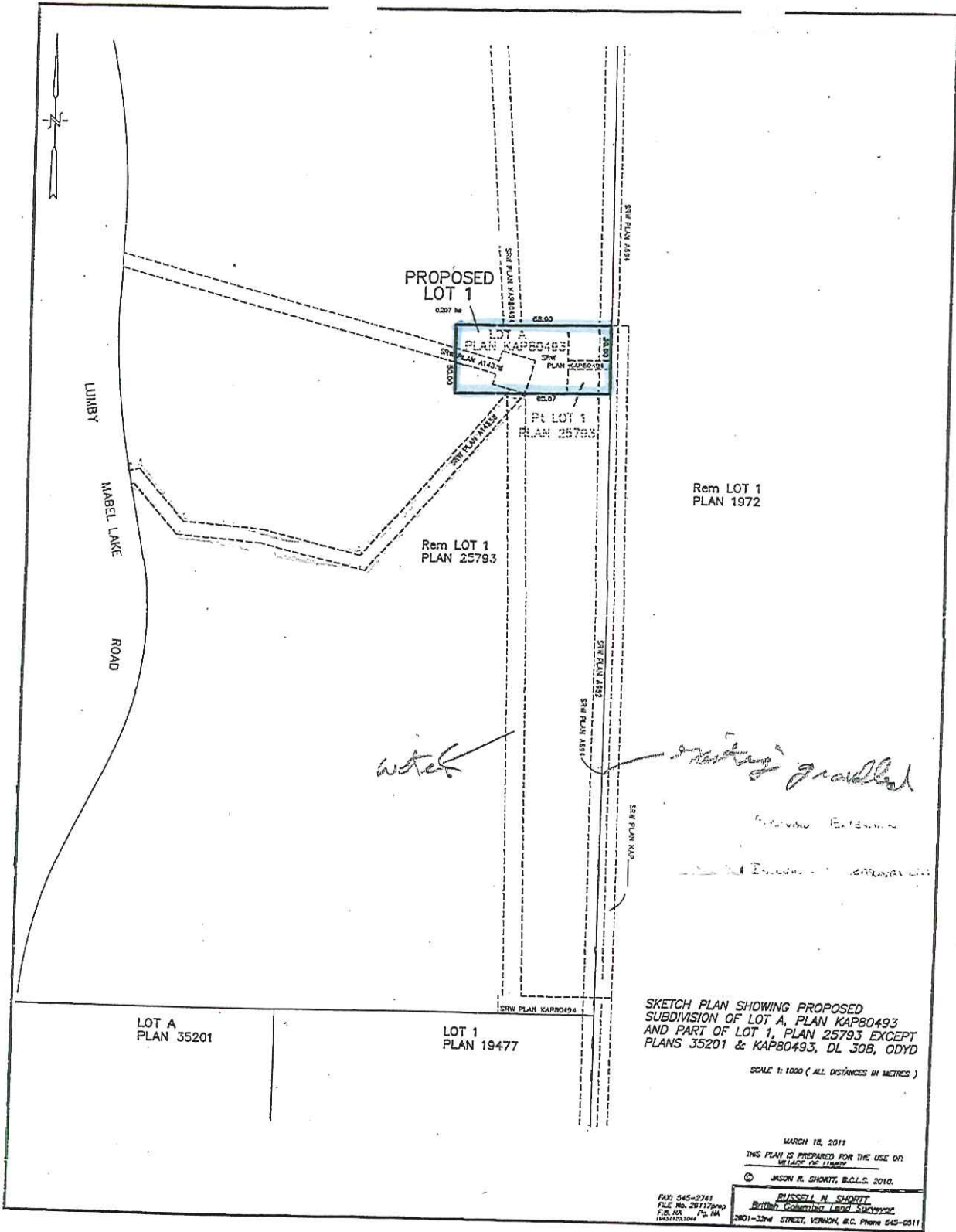
- The subdivision for the expansion of the water treatment plant property be in substantial compliance with the plan submitted with the application.

- The proposed portion of the current driveway no longer required for access to the treatment plant property, be rehabilitated back into agricultural use.
- 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 # 166/2012



Provincial Agricultural Land Commission
 Application #52533
 Resolution #166/2012
 Approved for subdivision in the ALR