



Agricultural Land Commission
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January 4, 2005

Reply to the attention of Brandy Ridout

Andrew Powell
370021 BC Ltd.
PO Box 1538
Vernon, B.C. V1T 8C2

Dear Mr. Powell:

Re: **Application #T-35927**
Lot A, Plan 41447, Sec. 20, Twp. 6, DL 79, ODYD

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your request to reconsider your application and defer the issue of lot configuration to the District of Coldstream's plans, bylaws and approval process. The request was submitted pursuant to section 33 of the *Agricultural Land Commission Act*.

The Commission reviewed its previous decision on this application, noting its concern that an eight-lot subdivision might attract businesses incompatible with adjacent farming had resulted in refusal of exclusion and subdivision as proposed. However, the Commission was prepared to allow a four-lot subdivision of the property, while retaining the land within the ALR, and industrial uses as permitted by Coldstream's General Industrial zoning designation.

As the zoning bylaw does not allow lots of less than one hectare where the lot is serviced with community water and septic tank, the newly created lots on this property could not be less than 1 ha. As such, the Commission was willing to accept the subdivision plan permitted by the District of Coldstream on the understanding that fewer than eight lots would be created.

The approval is subject to:

- The submission of a revised subdivision plan showing a lot configuration approved by the District of Coldstream.
- The uses on the resulting properties being in compliance with the "General Industrial" (1 2) zoning designation of Bylaw 1382, 2002.
- Compliance 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.

The land will remain in the ALR and be subject to the provisions of the *Agricultural Land Commission Act* and regulations except as provided by this approval.

The decision noted above is recorded as Resolution #682/2005.

Andrew Powell
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Please send two (2) paper prints of the final survey plans to this office well in advance of commencing registration at the Land Titles Office. When the Commission confirms that the subdivision plan is acceptable it will authorize the Registrar of Land Titles to accept the application for deposit of the plan. Please quote your application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

cc: District of Coldstream (#04-052-ALR)

BR/lv
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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on December 8, 2005 at 8090 Highway 97, Lake Country, BC.

PRESENT: Sue Irvine Chair
Sharon McCoubrey Commissioner

ABSENT: Sid Sidhu Commissioner

STAFF: Brandy Ridout, Regional Research Officer
Martin Collins, Planner

For Consideration

Brandy Ridout presented the May 17, 2005 staff report regarding application #V- 36297 and the November 29, 2005 fax which requested a reconsideration of the Commission's approval of a four-lot subdivision. It was noted in the fax that the four lots permitted by the Commission were extremely difficult to configure due to such matters as location of the existing mill and road allowance requirements. It was requested that the Commission defer to the District of Coldstream's plans, bylaws and approval process for the subdivision configuration.

Site Inspection

A site inspection was not conducted as one was carried out on May 8, 2005

Commission Discussion

The Commission reviewed its previous decision on this application, noting its concern that an eight-lot subdivision might attract businesses incompatible with adjacent farming had resulted in refusal of exclusion and subdivision as proposed. However, the Commission was prepared to allow a four-lot subdivision of the property, while retaining the land within the ALR, and industrial uses as permitted by Coldstream's General Industrial zoning designation.

As during the previous decision-making process, the Commission noted that the existing mill did not occupy the entire site, but past non-farm uses had debilitated much of the property. Though it was possible to reclaim the unused land for agriculture, the property configuration and the location of the stream and railway provided an ideal, long standing boundary and buffer between industry and farming.

The reason for the reconsideration request and the proposal that the Commission defer to the District of Coldstream's plans, bylaws and approval process for the subdivision configuration were discussed. It was noted that the zoning bylaw does not allow lots of less than one hectare where the lot is serviced with community water and septic tank. As such, the newly created lots on this property could not be less than 1 ha. As such, the Commission was willing to accept the subdivision plan permitted by the District of Coldstream on the understanding that fewer than eight lots would be created.

IT WAS

MOVED BY: Commissioner Irvine

SECONDED BY: Commissioner McCoubrey

THAT the request that the Commission defer to the District of Coldstream's plans, bylaws and approval process for the subdivision configuration be approved.

AND THAT this approval is subject to fewer than eight lots being created.

AND FINALLY THAT this approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED