



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604-660-7000
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March 9, 2007

Reply to the attention of Simone Rivers
ALC File: #ZZ - 37035

R G Holtby
670 - 17th Street, SE
Salmon Arm, BC V1E 1W2

Dear Mr. Holtby:

Re: **Reconsideration Request**

This is further to your letter of December 22, 2006 in which you asked the Provincial Agricultural Land Commission to reconsider Resolution #605/2006.

The Commission has reconsidered the matter and has attached the Minutes of Resolution #70/2007 outlining its latest decision. As agent, it is your responsibility to notify your client(s) accordingly.

Please find attached a map depicting the Commission's decision as it relates to this resolution.

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 "Erik Karlsen". The signature is written in a cursive, flowing style.

Erik Karlsen, Chair

cc: Thompson-Nicola Regional District (#ALR-P-100)

Enclosure: Minutes/Sketch Plan

SBR/iv
37035d2

Provincial Agricultural Land Commission

Application #


22-37035

Resolution #


70/2007

LEGEND

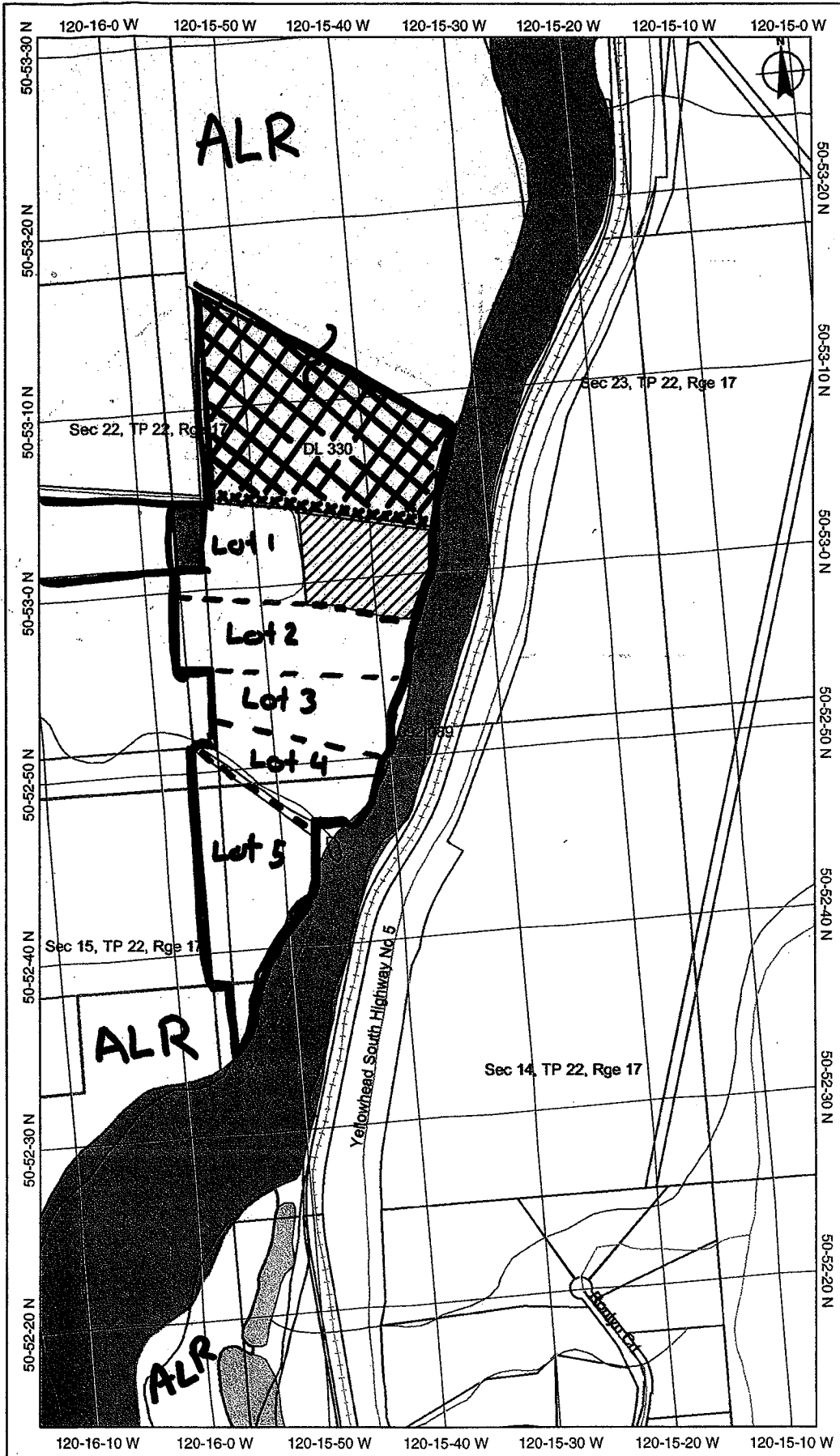
XXXXX
Fence to be
built

 No build
covenant
(± 3.0ha)

--- Approved
Lots

 Agricultural
land to be
consolidated
with adjacent
field. (± 12 ha)

 SUBJECT
PROPERTY





MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 1, 2007 at Barriere, B.C.

PRESENT:	Grant Huffman	Chair, Interior Panel
	Holly Campbell	Commissioner
	Frank Read	Commissioner
	Simone Rivers	Staff

ABSENT:	Gordon Gillette	Commissioner
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For Consideration

Application:	# ZZ - 37035
Applicant:	Daniel Boughton
Agent:	R. G. Holtby
Proposal:	To reconsider Commission Resolution # 605/2006
Legal:	PID: 024-893-722
	Lot 1, District Lot 330, Section 14, Township 22, Range 17, Kamloops Division of Yale District Section 22 and 23, Township 22, Range 17, West of the 6 th Meridian, Kamloops Division of Yale District, Plan KAP67769
Location:	North of Clarke Road, Kamloops

Site Inspection

A site inspection was conducted on November 21, 2006. A second site inspection was not conducted.

Discussion

The Commission discussed the request for reconsideration submitted by Bob Holtby on December 22, 2006. In the request Mr. Holtby stated that the neighbouring farmer who was planning on buying the majority of the cultivated portion of the property did not want the entire cultivated area because that the southernmost portion (±3 ha) would not fit into his irrigation system and therefore was not useful to him.

The Commission considered the impact of requiring the entire cultivated portion to be sold to the farmer who may not be able to use it against the impact of the smaller portion being part of a rural residential lot. The Commission believed that if a no-build covenant were placed on the cultivated portion of the lot that the ± 3 ha could be included into one of the rural residential properties. Should the applicant not wish to register the covenant, the Commission would still be willing to entertain a revised proposal as per Resolution # 605/2006 that would sell the entire cultivated area to the adjacent farmer.

IT WAS

MOVED BY: Commissioner Huffman

SECONDED BY: Commissioner Campbell

THAT the request for reconsideration be allowed.

AND THAT the approval is subject to the following conditions:

- the hayfield at the north end of the property (\pm 12 ha) must be consolidated with adjacent agricultural land as proposed.
- the construction of a fence between the area to be consolidated (\pm 12 ha) and proposed Lot 1.
- the registration of a covenant for the purpose of limiting the construction of buildings on the cultivated portion of proposed lot 1 (approximately 3 ha).
- the subdivision must be completed within three (3) years from the date of this decision.

AND THAT Staff is directed to provide a map depicting the Commission's decision as it relates to this Resolution.

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 # 70/2007