



**Agricultural Land Commission**  
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February 15, 2008

Reply to the attention of Martin Collins  
ALC File: #H-36459

Peter Kenward  
McCarthy Tetrault LLP  
PO Box 10424 Pacific Centre  
Suite 1300, 777 Dunsmuir St.  
Vancouver, BC V7Y 1K2

Dear Sir

Re: Reconsideration request

Please find attached the Minutes of Resolution #19/2008 outlining the Commission's decision as it relates to the above noted application. It is your responsibility to notify your clients accordingly.

If you have any further questions about this decision please contact Martin Collins at 604-660-7021.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over a light blue horizontal line.

Erik Karlsen, Chair

cc: Columbia Shuswap Regional District (LC2331-F) - attention Marcin Patchinski

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# MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

**A meeting was held by the Provincial Agricultural Land Commission on January 29, 2008 at Vernon, B.C.**

<b>PRESENT:</b>	Sue Irvine	Chair, Okanagan Panel
	Roger Mayer	Commissioner
	Sid Sidhu	Commissioner
	Martin Collins	Staff

### For Consideration

A letter from Peter Kenward of McCarthy Tetrault LLP was received January 3, 2008 requesting that the Commission reconsider its decision recorded as Resolution #577/2007.

Application	# H-36459
Applicant	Hasson Holdings Ltd
Agent	R G (Bob) Holtby
Current Proposal	To rescind the decision to refuse the exclusion of 27.7 ha on the grounds the Commission had indicated that it would not make a decision on the application until the Electoral Area 'F' Official Community Plan was adopted.
Original Proposal	To exclude the 27.7 ha property from the ALR for development into approximately 152 recreational lots.
Original Decision	The Commission refused the application in November 2007 after meeting with Electoral Area 'F' representatives and providing comments on the Electoral Area 'F' OCP. The comments were that the subject property and other adjoining ALR land had good agricultural potential and should reflect an agricultural future in the OCP.
Legal	PID: 013-812-009 The Fractional North ½ of the North East ¼, Section 28, as shown upon said Township dated at Ottawa the 27th day of August, 1919, Township 22, Range 11, W6M, Kamloops Division Yale District
Location	Scotch Creek area - Electoral Area F

### Discussion

The Commission discussed Peter Kenward's letter dated December 21, 2007 and the request that the Commission rescind its decision by Resolution #577/2007 to refuse exclusion of the 27.7 ha subject property, not make a decision on the application until the Electoral Area 'F' OCP is adopted, and allow the applicant to have another meeting and make a submission before making its decision.

The Commission recalled that it had commented on the draft Electoral Area 'F' OCP concurrently with making the decision on the application recorded as Resolution #577/2007. The essence of its comments was that although the area designated for "Settlement Centre" contained large blocks of ALR with good agricultural capability, the designation did not acknowledge the ALR, or encourage agriculture. The Commission provided two options to the Regional District; either the ALR areas be deleted from the

Settlement Centre designation (preferred) or that the text for the designation be amended to recognize and encourage an agricultural future on ALR lands. The Commission made its decision after discussing the draft OCP with the Electoral Area Director (Deslisle) and local government staff on November 7, 2007.

Mr. Kenward argues in his letter that the Commission had a meeting and based its decision on the application on information that the applicant did not have notice of, or access to. The Commission recalled that its information gathering process (i.e. discussions with local government and other provincial staff pertaining to commenting on an OCP) are not governed by regulation. While the Commission considered its actions to be within the bounds of administrative fairness required by the *Agricultural Land Commission Act* and *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*, it appreciated the applicant's concern that a decision was made on the application prior to the adoption of the OCP, a contradiction with the Commission's June 1, 2006 statements.

In view of the above, the Commission was prepared to accede to the applicant's requests outlined in the December 21, 2007 letter.

**IT WAS**

**MOVED BY:** Commissioner Irvine

**SECONDED BY:** Commissioner Sidhu

THAT a reconsideration is warranted.

AND 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 Resolution # 577/2007 refusing the exclusion of 27.7 ha be rescinded.

AND THAT the Commission will make a decision on the exclusion application upon the adoption of the Electoral Area 'F' OCP.

AND FINALLY THAT after the OCP is adopted, the applicant will have an opportunity to review information, schedule a meeting, and make submission(s) to the Commission before a decision is made on the application.

**CARRIED**

**Resolution #19/2008**