



**Agricultural Land Commission**  
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May 28, 2008

Reply to the attention of Brandy Ridout  
ALC File: H-36785

Bob Holtby  
670 - 17th Street SE  
Salmon Arm, BC V1E1W2

Dear Sir:

**Re: Application to Exclude land from the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 288/2008 (and a sketch plan) 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. It will also confirm for the Registrar the 0.3 ha area is excluded from the ALR.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karsen, Chair

cc: City of Salmon Arm (ALC301)

Enclosure: Minutes/Sketch Plan



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 9, 2008 at Vernon, B.C.

**PRESENT:** Roger Mayer Chair, Okanagan Panel  
Sid Sidhu Commissioner  
Gerald Zimmermann Commissioner  
Brandy Ridout Staff  
Martin Collins Staff

### For Consideration

Application: # H- 36785  
Applicant: Greaves, Grieve, Appledoorn  
Agent: Bob Holtby  
Original Proposal To exclude two adjoining properties totalling 6 ha from the ALR for residential development.  
Revised Proposal: To exclude 0.3 ha from Lot A to align the boundary of the ALR with the OCP designation for low density residential development and also to be consistent with the ALR boundary location on the property to the east.  
Legal: PID: 006-953-832  
Lot A, Section 12, Township 20, Range 10, W6M, Kamloops  
Division of Yale District, Plan 22344, EXCEPT Plan KAP53247  
Location: 2310 10th Avenue SE and 1400 20th Street SE

### Site Inspection

No site inspection was undertaken.

### Commissioner Eligible to Vote

Commissioners Roger Mayer and Gerald Zimmerman were not present at the September 29, 2006 site inspection. It was confirmed that a summary of the site inspection was provided thus establishing the Commissioner's eligibility to vote on the application.

### Context

The reconsideration proposal was considered in the context of Section 33 of the *Agricultural Land Commission Act* (the "Act"), Which states:

*"On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that*

*(a) evidence not available at the time of the original decision has become available,...."*

The Commission believed that the revised proposal constituted evidence not available at the time of the original decision.

### **Discussion**

The Commission assessed what persons were affected by the reconsideration.

The Commission had no objection to the revised exclusion proposal, believing the minor amendment to the ALR boundary on Lot A would streamline and rationalize the residential development of the non ALR portions of the two adjoining properties, and make the ALR boundary consistent with the OCP designation.

The Commission required that, as a condition of approval, the ALR boundary be fenced with 2 meter high solid wood (or concrete) fence to limit trespass and potential conflict between the ALR parcels and the residential development, and that the subdivision road pattern be designed so as not to anticipate expansion into the ALR.

### **Conclusions**

1. That the 0.3 ha area requested for exclusion has limited suitability for agricultural development
2. That the development of the non ALR area of Lot A for residential uses will not substantively effect the agricultural potential of the ALR remnant.

### **IT WAS**

**MOVED BY:** Commissioner Gerry Zimmerman

**SECONDED BY:** Commissioner Sid Sidhu

THAT there no persons affected by the reconsideration, and;

AND THAT the request to exclude a 0.3 ha portion of Lot A be allowed subject to the following conditions:

- the preparation of a subdivision plan to delineate the area to be excluded per the drawing submitted with the application
- the construction of a 2 meter high solid wood (or concrete) fence on the south boundary of the excluded area to restrict trespass and other conflict between the proposed residents and the remainder of Lot A.
- That the non ALR subdivision road pattern not be designed so as to anticipate further encroachment into the ALR.

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 # 288/2008**

ALC APPLICATION # H-36785  
RESOLUTION # 288/2008

 AREA ALLOWED FOR EXCLUSION

