



Agricultural Land Commission
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July 10, 2008

Reply to the attention of Brandy Ridout
ALC File: **H-37969**

Browne Johnson Land Surveyors
Box 362
Salmon Arm, BC V1E4N5

Dear Sir/Madam:

Re: Application for a Road Right of Way within the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 349/2008 (and a sketch plan) outlining the Commission's decision as it relates to the above noted application.

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: 

Erik Karlsen, Chair

cc: District of Sicamous, 1214 Riverside Avenue, Box 219, Sicamous, BC, V0E 2V0
(file: 07-189-ALR)
ILMB, Suite 210 - 301 Victoria Street, Kamloops BC, V2C 2A3

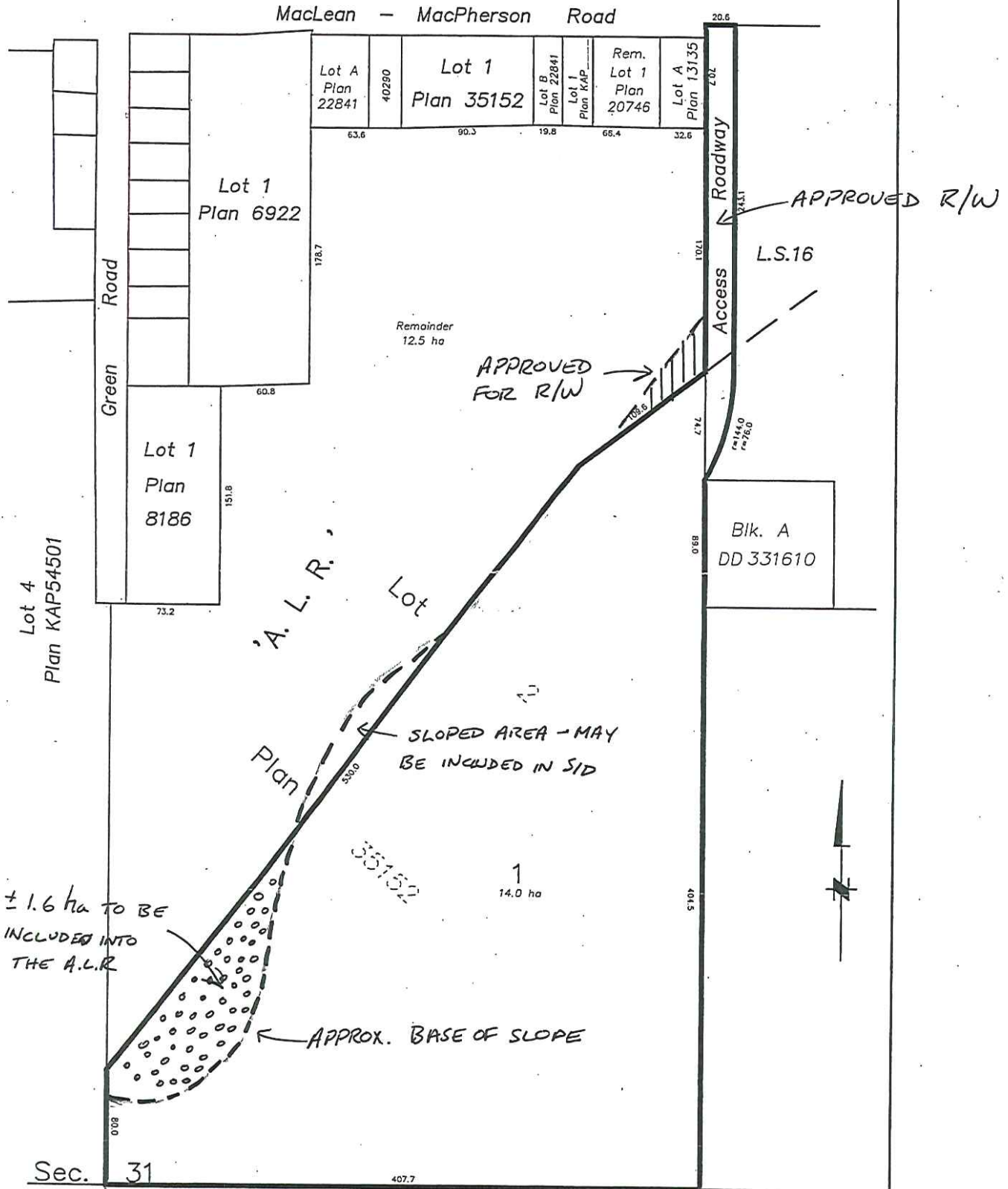
Enclosure: Minutes/Sketch Plan

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Sketch Plan of Proposed Subdivision
of Part of Lot 2, Plan 35152,
Sec.31, Tp.21, R.7, W6M, K.D.Y.D.

Scale 1:2500

B.C.G.S. 82L.086



the ROW going through the northeast corner of the ALR portion of Lot 2 to the hillside areas. The landowner appreciated this because he would no longer need to acquire additional crown land (beyond that in LS 16) for road access.

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

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 the access ROW was debilitated by gravel deposition associated with the parking lot use of portions of LS 16 for snowmobile activities and that no agricultural activity or development has occurred on LS 16 (crown owned).

However, the Commission was concerned about the potential for the lowland 1.6 ha non-ALR area of Lot 2 to be developed for residential uses. As such the Commission was prepared to allow the ROW for access subject to the inclusion of the 1.6 ha area on Lot 2 into the Agricultural Land Reserve.

The Commission also had no objection to the minor encroachment of the subdivision and road access into ALR portions of Lot 2 where they affect non-arable hillside areas.

Conclusions

1. That the land under application has limited agricultural capability due to gravel fill for parking lot uses.
2. That the proposal will not significantly impact agriculture.
3. That the revised proposal is consistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Zimmerman
SECONDED BY: Commissioner Mayer

THAT the application to use 0.5 ha for road access to non ALR hillside development be allowed subject to the following conditions:

- Inclusion of a 1.6 ha field area into the ALR.
- The inclusion must be completed in advance of subdivision and 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 #349/2008