



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

October 29, 2010

Reply to the attention of Ron Wallace  
ALC File: 51943

City of Merritt  
2185 Voght Street  
Box 189  
Merritt, BC  
V1K 1B8

Attention: Sean O'Flaherty, Development Services Officer

**Re: Application for Non-Farm Use in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # **2690/2010** outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in blue ink, appearing to read 'B. Underhill', is written over the 'Per:' label.

Brian Underhill, Executive Director

Enclosure: Minutes/Sketch Plan

RW  
51943d1



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 8, 2010 via telephone conference.

**PRESENT:** Gordon Gillette Vice Chair, Interior Panel  
Lucille Dempsey Commissioner

### For Consideration

Application: 51943  
Applicant: Gordon, Scott, Amy & Tyler Garthwaite, Gail Sahara, Jeanne Rutherford  
Agent: City of Merritt  
Proposal: The City of Merritt proposes to install an 8" potable waterline along the south boundary of the remainder of Section 14 Township 91.  
Legal: That Part Section 14 Lying Outside the Limits of District Lot 122 KDYD Township 91 Kamloops Division Yale Except Such Undersurface Rights as are Registered in AFB Vol 7, FOL 406, No. 10241A and Also Except: (1) Part 40 Acres More or Less of the NW ¼ Shown on Plan Attached to DD 1306 (2) Part 2.06 Acres More or Less of the NE ¼ Shown on Plan Attached to DD 4612 (3) Part 6.22 Acres More or Less of the NW ¼ Shown on Plan Attached to DD 4612 (4) Plans B1503, 15455, 20769, 37177 and KAP52364  
Location: South boundary of the remainder of section 14 township 91.

### 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

#### **Assessment of Impact on Agriculture**

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission supports the proposal to install an 8" potable waterline along the south boundary of the subject property but to help minimize the impact to agriculture, it would allow a width of ±6 meters for the construction phase, but the actual statutory right-of-way be confined to ±3.5 meters.

#### **Conclusions**

1. That the proposal will not have a significant impact on agriculture.

2. That the proposal is not inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

**IT WAS**

**MOVED BY:** Commissioner Gillette

**SECONDED BY:** Commissioner Dempsey

THAT the application to install an 8" potable waterline along the south boundary of the remainder of Section 14 Township 91 be allowed subject to the following conditions:

- The final statutory right-of-way for the proposed waterline be confined to  $\pm 3.5$  meters.
- approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

**CARRIED**

**Resolution # 2690/2010**



**WATER ROW DATA**

ORIGINAL PARCEL AREA: 60.1 Ha.  
 AREA OF PROPOSED WATER ROW: 3748.45 m<sup>2</sup>  
 AREA OF REMAINING PARCEL A 2462 WITHIN PROPOSED WATER ROW: 199.38 m<sup>2</sup>  
 RESIDUAL PARCEL AREA: 59.5065 Ha.

COQUHALLA  
HIGHWAY NO.5

REMAINDER  
SECTION 14 TOWNSHIP 91

OWNERS:  
GORDON GARTHWAITE, GAIL SAHARA, JEANNE RUTHERFORD, SCOTT GARTHWAITE, AMY GARTHWAITE, TYLER GARTHWAITE

NE 1/4  
SECTION 11 TOWNSHIP 91

CROWN LANDS

REMAINDER  
SECTION 14 TOWNSHIP 91

OWNERS:  
GORDON GARTHWAITE, SHARON JEANNE RUTHERFORD, SCOTT GARTHWAITE, AMY GARTHWAITE, TYLER GARTHWAITE

KINDER MORGAN PIPELINES  
ROW PLAN A 1266

LOT 1  
PLAN 20769

OWNER:  
KINDER MORGAN PIPELINES

EXISTING TERLSEN ROW  
PLAN A 2462

PROPOSED WATER  
RIGHT-OF-WAY  
OVER EXISTING ROW

PROPOSED WATER  
RIGHT-OF-WAY

JOEYASKA INDIAN RESERVE #2

COQUHALLA  
HIGHWAY NO.5

PROPOSED NEW WATER  
RIGHT-OF-WAY OVER EXISTING ROW  
PLAN A 2462

PROPOSED WATER  
RIGHT-OF-WAY



<b>CIVIC CONSULTANTS LTD.</b> 410 - 3rd STREET, NEW WESTMINSTER, BC V8L 2B2 TELEPHONE 604-526-2615				<b>PROJECT</b> GATEWAY 288 INFRASTRUCTURE PROJECT City of HERN 2185 Veitch Street PO Box 189, Merril, BC Telephone: (250) 378-4224 Fax: 378-2600				<b>REG. NO.</b> 68-183-9-01 <b>DATE</b> AUGUST 25, 2010 <b>SCALE</b> 1:1000 <b>DATE</b> _____ <b>DATE</b> _____ <b>DATE</b> _____		<b>1/4 1</b> <b>SECTION</b> 14, TOWNSHIP 91 <b>LEGAL DESCRIPTION:</b> REMAINDER SEC 14, Twp. 91 <b>OWNER:</b> G. GARTHWAITE, A. GARTHWAITE, T. GARTHWAITE, G. SAHARA, J. RUTHERFORD, S. GARTHWAITE	
<b>ENGINEER</b> CIVIC CONSULTANTS LTD. 410 - 3rd STREET, NEW WESTMINSTER, BC V8L 2B2 TELEPHONE 604-526-2615				<b>DESIGNER</b> CIVIC CONSULTANTS LTD. 410 - 3rd STREET, NEW WESTMINSTER, BC V8L 2B2 TELEPHONE 604-526-2615				<b>DATE</b> _____ <b>DATE</b> _____ <b>DATE</b> _____		<b>SCALE</b> 1:1000 <b>DATE</b> _____ <b>DATE</b> _____	

Provincial Agricultural Land Commission  
 Application #51943  
 Resolution #2690/2010

Area approved for waterline right-of-way