



Agricultural Land Commission
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May 14, 2007

Reply to the attention of Simone Rivers
ALC File: ZZ-30153

Dwane Scott
P.O. Box 70 Main Stn.
Kamloops, B.C. V2C 5K3

Dear Mr. Scott:

Re: Request to Remove Restrictive Covenant

Please find attached the Minutes of Resolution # 199/2007 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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Thompson-Nicola Regional District (PALC-L-318)

Enclosure: Minutes

SR/eg
i/30153d2

potential industrial use of the subject property by a hill and vegetation, there is currently no buffer between the properties that the applicants own. Should the covenant be removed from Lot 2, the Commission is concerned that conflict between the residential and industrial uses would occur, or that the next request would be to remove the covenant from Lot 1 as well.

However, the Commission also acknowledges that it has excluded the property from the ALR and that therefore, other than the covenant on the property, it has no jurisdiction over the use of the property. As such, the Commission believes that the Regional District should determine the future land use of the property. The Commission would; therefore, be willing to consider removing the restrictive covenant should it receive technical justification and endorsement from Local Government that residential use is a compatible use in this area and that it is consistent with planning objectives in this area as well. Justification could be given in the form of proof that the property has been rezoned to a zone that allows residential use or other endorsement in writing from the Thompson-Nicola Regional District that it believes that it is appropriate to remove the restrictive covenant.

IT WAS

MOVED BY: Commissioner Gillette
SECONDED BY: Commissioner Huffman

THAT the Commission would consider removing the restrictive covenant from Lot 2 District Lot 297 KDYD (Kamloops Div of Yale) Plan 18284 should it receive written endorsement from the Thompson-Nicola Regional District that it supports the removal and that it believes that residential use is appropriate in this area.

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 # 199/2007