



Agricultural Land Commission
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April 25, 2007

Reply to the attention of Brandy Ridout
ALC File: #H - 35017

V Bates Enterprises Ltd
PO Box 1388
Salmon Arm, BC V1E 4P5

Dear Mr. Bates:

**Re: Request for reconsideration of application to Exclude land from the
Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 127/2007 outlining the Commission's decision as it relates to the above noted application.

The documents submitted in support of your request for reconsideration are being provided to the persons the Commission has deemed to be affected by the reconsideration. Comments should be submitted on or before May 21, 2007. The Commission assures you that all responses will be provided to you for review and comment.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: District of Salmon Arm (#ALC.281)
Brian and Alana Harper, 5341 - 10th Avenue NE, Salmon Arm, BC V1E 1Y1

Enclosure: Minutes/Reconsideration request (5 pages)

BR/lv
35017d2



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 29, 2007 in Vernon, B.C.

PRESENT:	Sue Irvine	Chair, Okanagan Panel
	Sid Sidhu	Commissioner
	Monika Marshall	Commissioner
	Brandy Ridout	Staff
	Martin Collins	Staff

For Consideration

A letter from Vic Bates was received April 12, 2007 requesting that the Commission reconsider its decision recorded as Resolution #481/2003.

Application: # H -35017
Applicant: V. Bates Enterprises Ltd.
Agent: Browne Johnson & Associates
Proposal: To modify the fencing and buffering conditions of the Commission's approval under Resolution #481/2003. The Commission required a 1 metre high berm upon which is constructed a trespass inhibiting fence and a vegetative screen. In addition, the registration of a no-build/no disturb covenant over the buffer zone was required.
The applicant is requesting to install a 40 inch high chain link fence (with top rail but no barbed wire) along the perimeter 4 inches inside the property line; a one metre wide landscape area along the perimeter planted with a 50% mix of roses and dogwood plants at one per two square foot of area and said area to be protected by a no disturb covenant; and a 2 metre no build covenant to extend inward starting at the no disturb covenant boundary.
These modifications are being requested as the property has been reduced in size due to recent road construction, the adjacent property is owned by the same owners, and the whole are has been designated "future long term commercial" in the Salmon Arm Official Community Plan.

Legal: PID: 023-834-901
Old legal: Lot 1, Section 20, Township 20, Range 9, W6M, Kamloops Division Yale District, Plan KAP59663
Current legal: Lot 1, Section 20, Township 20, Range 9, W6M, Kamloops Division Yale District, Plan KAP79341

Location: Intersection of Highway 97B and the Trans-Canada Highway near Salmon Arm.

Discussion

The Commission's main concern with the revised proposal was that the farm property to the east be adequately buffered from the commercial development of the conditionally excluded lot.

As Commission staff had recently been contacted by Brian Johnson with regard to the property, the Commission believed it pertinent to notify the individual of the reconsideration.

IT WAS

MOVED BY: Commissioner Irvine
SECONDED BY: Commissioner Sidhu

THAT the staff report be received

AND THAT the Commission receive the letter of February 12, 2007 from Vic Bates requesting the reconsideration of the Commission's decision by Resolution #481/2003 based on evidence not available at the time of the original decision

AND THAT the Commission acknowledge that the evidence contained in the applicant's most recent correspondence constitutes evidence that was not available to it at the time of the original decision

AND THAT the Commission advise affected persons that it will undertake a reconsideration and may confirm, reverse or vary the original decision

AND FINALLY THAT for the purposes of Section 33(2) of the *Agricultural Land Commission Act*, the Commission considers that the following persons are affected by the reconsideration:

Brian and Alana Harper
5341 – 10th Avenue NE
Salmon Arm, BC V1E 1Y1

CARRIED

Resolution # 127/2007



Staff Report
Application # H – 35017-0
Applicant: V Bates Enterprises Ltd.
Agent: Browne Johnson & Associates
Location: Salmon Arm

DATE RECEIVED: February 12, 2007

DATE PREPARED: March 20, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

ORIGINAL PROPOSAL: To exclude the 0.8 ha subject property for commercial use. Under Resolution #481/2003 the Commission allowed the exclusion of the property subject to fencing, buffering and the registration of a no build/no disturb covenant over the required buffer zone.

CURRENT PROPOSAL: To modify the fencing and buffering conditions of the Commission's conditional approval.

The reconsideration request is being made pursuant to section 33 of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The Commission required a 1 metre high berm upon which is constructed a trespass inhibiting fence and a vegetative screen. In addition, the registration of a no-build/no disturb covenant over the buffer zone was required.

The applicant is requesting to install a 40 inch high chain link fence (with top rail but no barbed wire) along the perimeter 4 inches inside the property line; a one metre wide landscape area along the perimeter planted with a 50% mix of roses and dogwood plants at one per two square foot of area and said area to be protected by a no disturb covenant; and a 2 metre no build covenant to extend inward starting at the no disturb covenant boundary.

These modifications are being requested as the property has been reduced in size due to recent road construction, the adjacent property is owned by the same owners, and the whole area has been designated "future long term commercial" in the Salmon Arm Official Community Plan.

Four letters of opposition to the original exclusion application were received.

Legal Description of Property:

Parcel Identifier: 023-834-901
Lot 1, Section 20, Township 20, Range 9, West of the 6th Meridian, Kamloops Division Yale District, Plan KAP59663

BACKGROUND INFORMATION (continued):

Location of Property:

Intersection of Highway 97B and the Trans Canada Highway

Size of Property:

0.8 ha (The entire property is in the ALR)

Present use of the Property:

Vacant cleared land.

Surrounding Land Uses:

NORTH: Agricultural
EAST: Agricultural
SOUTH: Commercial and vacant industrial (non-ALR)
WEST: Highway with non-ALR beyond.

Agricultural Capability Ratings:

Data Source: Agricultural Capability Map #82L/11

Unimproved Ratings	Improved Ratings	% of Unit
6:3MT 4:5M	7:3T 3:2X	50
8:5WF 2:O5W	8:4WF 2:O4W	50

Official Community Plan and Designation:

Acreage Reserve

Zoning Bylaw and Designation:

A-2 (Rural Holding) with a 4.0 ha Minimum Lot Size.

RELEVANT APPLICATIONS:

Application #09461-0

Applicant: A and R Stevens
Decision Date: November 29, 1979
Proposal: To exclude a 2 acre (0.8 ha) parcel.
Decision: Allowed subject to the installation of a barbed wire fence along the north and east property boundaries. Fence must be constructed in accordance with schedule A specification.

Application #07514-0

Applicant: A & R Stevens
Proposal: To use the 2 acre property and existing structure for commercial purposes.
Decision: Allowed subject to use being limited to existing building.

STAFF COMMENTS:

As letters of opposition to the original exclusion application were received, there could be affected parties whom should be notified of the reconsideration request.

Staff notes that although the property to the east is also owned by the applicant, this may change in the future, at which time, buffering and fencing will be important to reduce potential conflict.

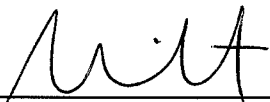
OTHER COMMENTS:

Local Government (with regard to the original exclusion application)


Council: Salmon Arm authorized the original application for submission to the Commission.

Planning Staff: The OCP identifies the Trans Canada Highway/Highway 97B intersection as an Urban Containment Area and recognizes that, prior to development proceeding, comprehensive planning to address servicing requirements, highway reconstruction, the ALR and zoning will be necessary. The applicant is aware of these requirements and is proceeding with this application as a first step in determining the property's development potential. If the property is excluded from the ALR, the applicant will then address the other issues affecting commercial development in this area.

END OF REPORT



Signature



Date