



Agricultural Land Commission
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October 11, 2007

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

V Bates Enterprises Ltd
6207 Trans Canada Hwy
Malakwa, BC V0E 2J0

Dear Mr. Bates:

Re: Reconsideration Request to Modify Conditions 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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the 'Per:' label.

Erik Karlsen, Chair

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

Enclosure: Minutes

BR/iv
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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 20, 2007 in Oliver, BC.

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

For Consideration

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 area 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

Site Inspection

The Commission viewed the property on March 29, 2007 to reacquaint itself with the location and character of the site.

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

As Commission staff had been contacted by a concerned individual with regard to the proposed modification in buffering, the reconsideration information was provided to that individual for comment. The comments received were then provided to the applicant for comment.

The Commission discussed all points raised by both the applicant and the concerned individual. The applicant originally requested the modifications 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.

The concerned farmer indicated that his property is located approximately 90 metres east of the subject property and produces a variety of crops including hay and vegetables. He states that the non-farm use of the subject property presents significant potential for conflicts to develop with the agricultural use of the adjacent parcels within the ALR. These conflicts can only be mitigated by the establishment of an effective landscape buffer along the interface between agricultural and non-agricultural land use. He indicates that, in his opinion, the buffer outlined in Resolution #483/2003 is the minimum required.

The applicant stated that the zoning for the subject property – C3 Highway Commercial – does not permit uses that will export noise or be particularly sensitive to any farming activity that might be permitted by the City in this area. It is also indicated that a trespass inhibiting fence that is open on each end seems out of place with the character of the area and would not provide security to adjacent ALR lands. Also that it seems reasonable that this property be allowed to utilize its potential to contribute maximum benefit to the available commercial land base of the City.

The Commission recalled that the subject property had been conditionally excluded from the ALR for various reasons including its small size. However, as the Commission did not want the exclusion of the property to create conflict with adjacent agricultural parcels, it required a buffer to be installed along the boundary of the subject property.

The buffer was intended to create an edge that would both protect ALR land to the east and indicate that the exclusion area was not to expand. The Commission believed that this was still the case and that altering the requirements would lead to conflict.

In addition, since 2003 when the original decision was made on this application, the Commission has become more concerned with minimizing conflict in areas where ALR and non-ALR lands meet and creating a defensible ALR boundary. Standards such as set-backs of 15 metres in commercial zones and 30 metres in residential zones have been discussed. The Commission did not believe it was appropriate to relax the conditions of approval on this application.

Conclusion

In order to prevent a negative impact on adjacent agricultural operations in the ALR, the original fencing/buffering requirements are required.

IT WAS

MOVED BY: Commissioner Irvine

SECONDED BY: Commissioner Sidhu

THAT the request be refused on the grounds that the Commission believed that the fencing/buffer originally required would prevent potential conflict between the future use of the excluded area and the adjacent agricultural area.

CARRIED

Resolution # 127/2007