



Agricultural Land Commission
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May 8, 2007

Reply to the attention of Brandy Ridout
ALC File: H-36314

Tony Barnard
Club Shuswap Golf and R.V. Ltd
Box 147, 5751 TCH
Canoe, BC V0E1K0

Dear Mr. Barnard:

Re: Reconsideration Request

Please find attached the Minutes of Resolution # 197/2007 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: City of Salmon Arm (293)

Enclosure: Minutes

BR/eg
i/363144d4



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by conference call by the Provincial Agricultural Land Commission on April 25, 2007 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

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

For Consideration

An e-mail from Tony Barnard was received April 19, 2007 requesting that the Commission reconsider its decision recorded as Resolution #124/2007.

Application: # H-36314

Applicant: Club Shuswap Golf and R.V. Ltd

Agent: R G Holtby

Current Proposal: To bind the titles of the existing four parcels of ALR lands (as noted in the decision of September 29, 2006) rather than consolidate the parcels.

Proposal History: To do a boundary line adjustment and subsequent exclusion of one of the newly created lots (4 ha) and to exclude two existing lots (7.7 ha and 0.4 ha) to allow for the development of a more comprehensive facility consisting of strata recreation sites.

SECOND PROPOSAL: To (1) amalgamate the previously excluded Lot 2, Plan KAP73927 with the area previously approved for RV sites (parts of the new Lot D, Plan 1620 and Lot 1, KAP47838) and exclude the new lot from the ALR; (2) consolidate the remainders of Lot D and Lot 1 and retain the new lot in the ALR.

THIRD PROPOSAL: To remove the condition of consolidation of Lot D, Lot 1 and other golf course lands presently within the ALR into a single parcel. Consolidation of the parcels was refused by the City of Salmon Arm as the houses on the parcels would become non-conforming. City Bylaws allow only one house per parcel and there are 4 houses on the ALR lands.

Legal:

1. Lot D, Section 31, Township 20, Range 9, W6M, Kamloops Division Yale District, Plan 1620, EXCEPT Plans 7211, 39896 and H609 (PID: 011-508-191)
2. Lot 1, Section 31, Township 20, Range 9, W6M, Kamloops Division Yale District, Plan KAP47838 (PID: 017-872-626)
3. Lot 2, Section 31, Township 20, Range 9, W6M, Kamloops Division Yale District, Plan KAP47838 (PID: 017-872-634)
4. Lot 1, Section 31, Township 20, Range 9, W6M, Kamloops Division Yale District, Plan 39896 (PID: 011-636-882)

Location: 6021, 6241 and 6381 50th Street NE, Salmon Arm

Discussion

The Commission considered what persons were affected by the reconsideration and determined that there were none.

The Commission discussed the difficulties in meeting its condition of approval that Lot D, Lot 1 and other golf course lands presently within the ALR be consolidated into a single parcel. The applicant noted that he had attempted to resolve the issue at a meeting with Salmon Arm's Development and planning Department in which there was considerable discussion on how the Commission's requirements of ensuring that the agricultural parcel remain intact could be met and still meet the conditions of Salmon Arm Bylaw #2300.

The applicant noted that the four properties were progressive purchases, each having a residence at the time of purchase and that the houses on the four properties are important to the operation of the golf course.

Although the Commission preferred consolidation as a means of ensuring the parcels remain as a single unit, they appreciated the problems of this situation and would allow the legal binding of titles as an alternate solution.

IT WAS

MOVED BY: Commissioner Sidhu

SECONDED BY: Commissioner Irvine

THAT the information presented constitutes evidence that was not available at the time of the original decision and therefore a reconsideration is warranted;

AND THAT for the purposes of Section 33(2) of the *Agricultural Land Commission Act*, there are no persons it considers affected by the reconsideration.

AND THAT the request to bind the titles of the existing four parcels of ALR lands rather than consolidate by legal survey be allowed.

AND THAT the approval is granted to the applicant only and is valid for 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 # 197/2007