



**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

June 24, 2008

Reply to the attention of Brandy Ridout  
ALC File: **T-24280**

Lyall Webster  
11408 Tassie Drive  
Coldstream, B.C.  
V1B 1H4

Dear Sir:

**Re: Reconsideration: To dedicate Road Right of Way in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 291/2008 (and sketch plan) outlining the Commission's decision as it relates to the above noted application.

Please send two (2) paper prints of the final survey plans to this office (pertaining to the previous resolutions). When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a white background.

Erik Karlsen, Chair

cc: The District of Coldstream

Enclosure: Minutes/Sketch Plan

MC  
i\24280d5



# MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

**A meeting was held by the Provincial Agricultural Land Commission on May 9, 2008 in Vernon, B.C.**

<b>PRESENT:</b>	Roger Mayer	Chair, Okanagan Panel
	Sid Sidhu	Commissioner
	Gerald Zimmermann	Commissioner
	Brandy Ridout	Staff
	Martin Collins	Staff

## For Consideration

Application: # T- 24280  
 Applicant: David Webster  
 Agent: Lyall Webster  
 Proposal: To dedicate ~900 square metres for right of way, (8.25 metres wide and 107 metres long) for the extension of Matner Lane.  
 Legal: PID: 006-244-076, Lot 44, DL 57 and 59, Twp. 9, ODYD, Plan 320  
 Location: District of Coldstream

## Site Inspection

A site inspection was conducted on May 8, 2008. Those in attendance were:

- Roger Mayer Chair, Okanagan Panel
- Sid Sidhu Commissioner
- Gerald Zimmermann Commissioner
- Brandy Ridout Staff
- Martin Collins Staff
- Lyall and Lynn Webster Applicants

The Commissioners viewed the area proposed for dedication for Matner Lane, noting that the land was in alfalfa production and sloped gently towards the railway tracks.

Lyall Webster confirmed that the staff report dated March 7, 2008 was received and no errors were identified.

## Context

The reconsideration proposal was considered in the context of Section 33 of the *Agricultural Land Commission Act* (the "Act"), which states:

*"On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that*

*(a) evidence not available at the time of the original decision has become available, ...."*

The Commission believed that the revised proposal constituted evidence not available at the time of the original decision.

**Discussion**

The Commission assessed what persons were affected by the reconsideration.

The Commission was provided with information indicating that it previously objected to the dedication of a road access through to on ALR lands beyond (to the west). Originally the Commission required that access to the parcel be the minimum necessary to access the northeast corner of the property. The Commission perceived no agricultural reason to provide land for road access, believing rather that a right of way would erode the agricultural capability of the parcel, and provide potential for trespass onto farmland. Nor did the Commission believe there was a compelling reason to introduce road access through the farm area from urbanizing land to Aberdeen Road.

However, the Commission was advised that the present proposal represented the minimum road access required by the bylaw. The applicants believed that the District would permit the compromise right of way because it was the minimum required by the bylaw. In addition the current proposal did not provide access through to lands beyond, consistent with the Commission's longstanding objections to this requirement.

**Conclusions**

1. That the 900 square metre area requested for the extension of Matner Lane has agricultural capability and is suitable for agriculture.
2. That the extension of Matner Lane will not substantively affect the agricultural potential of the ALR remnant.

**IT WAS**

**MOVED BY:** Commissioner G. Zimmerman

**SECONDED BY:** Commissioner R. Mayer

THAT there were no persons affected by the reconsideration.

AND THAT the request to dedicated 900 square metres for right of way for the extension of Matner Lane be allowed.

AND THAT the right of way must be dedicated within three years from the date of this decision.

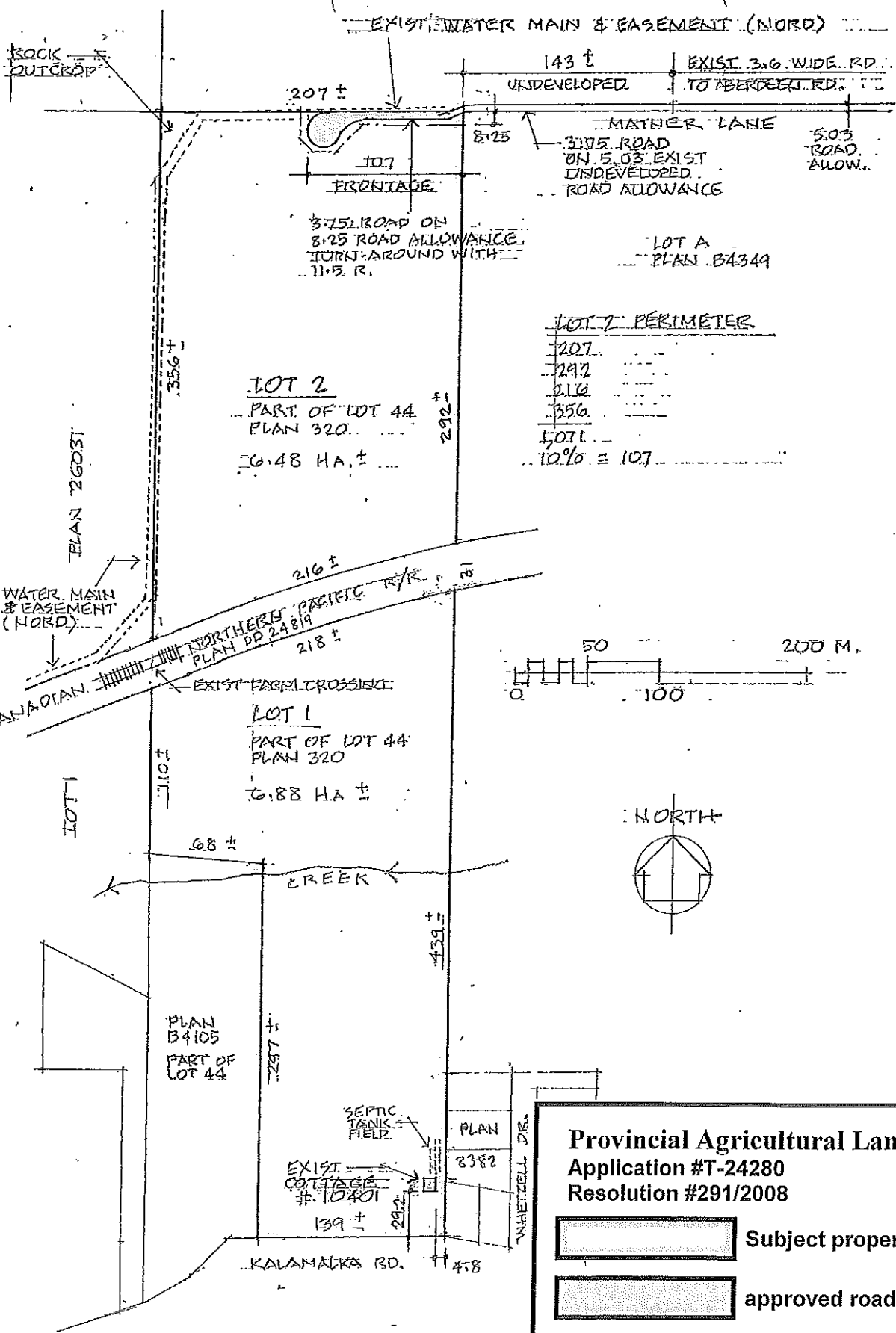
This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

**CARRIED**

**Resolution #291/2008**

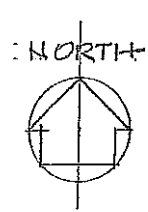
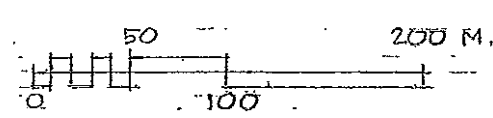
PARCELA PLAN B.178

EXIST. WATER MAIN & EASEMENT (NORD)





LOT 2 PERIMETER

207
292
216
356
107
10%



**Provincial Agricultural Land Commission**  
 Application #T-24280  
 Resolution #291/2008

 Subject property

 approved road dedication in the ALR

PROPOSED SUBDIVISION OF LOT 44 PLAN 320  
 D.L. 57 & 59, OSOYOOS DIV. YALE LAND DISTRICT,  
 EXCEPT PLAN B4105 - DISTRICT OF COLDSTREAM.

SCALE 1:3000

DATE - OCT. 4, 2007