



Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
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www.alc.gov.bc.ca

July 4, 2008

Reply to the attention of Brandy Ridout
ALC File: **H-36883**

Ernest Arsenault
6650 - 15th Avenue
Salmon Arm, BC V1E1R5

Dear Mr. Arsenault:

Re: **Reconsideration request**

Please find attached the Minutes of Resolution #340/2008 and a 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. 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 light blue horizontal line.

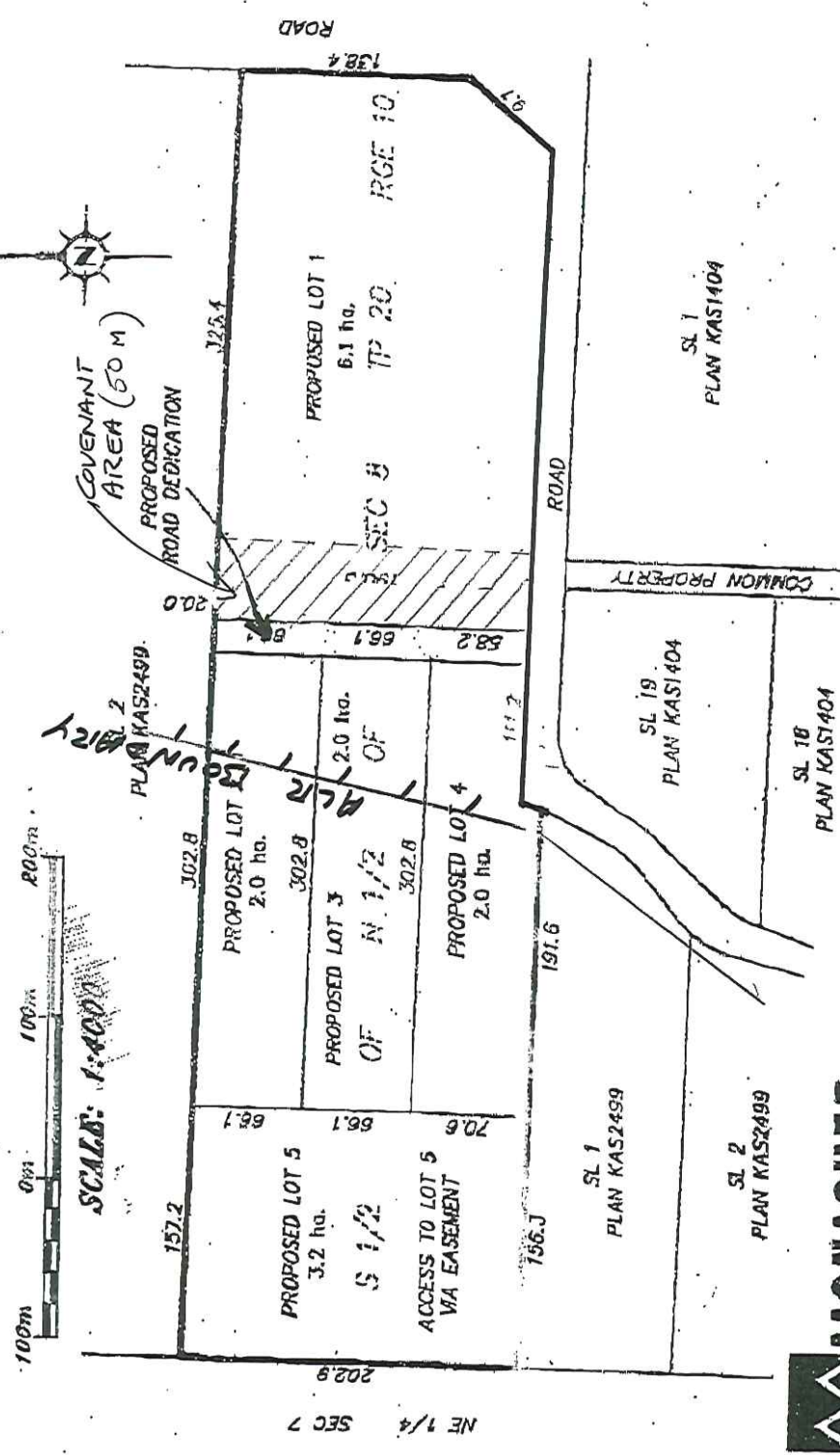
Erik Karlsen, Chair

cc: City of Salmon Arm (ALC 303)

Enclosure: Minutes/Sketch Plan

MC
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SKETCH PLAN OF PROPOSED SUBDIVISION OF THE SOUTH 1/2 OF THE NORTH 1/2 OF SECTION 8 TOWNSHIP 20 RANGE 10 WEST OF THE 6TH MERIDIAN K.D.Y.D. EXCEPT PLANS B563 AND KAP54055



8011A 26th Street Vernon, B.C. V1T 2G4 Tel (250) 646 5980 Fax (250) 545 5912

NOTE: ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.

APPLICATION # H-36883
RESOLUTION # 340/2008

RECEIVED
PROV. AGRICULTURAL
LAND COMMISSION
MAY 28 2008

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 noted that the revised subdivision proposal was consistent with direction provided by the Commission in its previous Resolution #494/2006.

Discussion

The Commission considered what persons were affected by the reconsideration.

The Commission had no objection to the revised subdivision plan, noting that the proposed road alignment and the easterly portions of the three 2 ha lots occupied poor capability agricultural land which has not been improved for agriculture. In addition, the 6.1 ha remainder had adequate area to construct a homesite at its westerly edge in an area that was not used for hay production.

The Commission concurred with the applicant's suggestion that a covenant be registered against the title of the 6.1 ha lot prohibiting the construction of a dwelling on the field area.

IT WAS

MOVED BY: Commissioner G. Zimmerman

SECONDED BY: Commissioner S. Sidhu

THAT there were no persons affected by the reconsideration.

AND THAT the request to subdivide the 15 ha property into three 2 ha lots, a 3.2 ha lot and a 6.1 ha lot be allowed, subject to the following conditions:

- The registration of a covenant against the title of the new 6.1 ha ALR lot, restricting the location of the new home to within 50 meters of the proposed right of way.
- The subdivision must be completed within 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 #340/2008