



Agricultural Land Commission
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September 15, 2008

Reply to the attention of Brandy Ridout
ALC File: **H-37585**

Warren and Trudy Schweb
2913 Salmon River Road
Salmon Arm, BC V1E3H8

Dear Mr. and Mrs. Schweb:

Re: Application to Subdivide Land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #541/2008 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: Columbia Shuswap Regional District (LC2358-D)

Enclosure: Minutes

BR
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Commissioner Eligible to Vote

Commissioner Zimmermann was not present at the site inspection. It was confirmed that a summary of the site inspection was provided thus establishing the Commissioner's eligibility to vote on the application.

Context

The reconsideration request was weighed against the provisions of Section 33 of the *Agricultural Land Commission Act* which provide an applicant with the opportunity to submit a request for reconsideration.

- S.33 (1) *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,*
 - (b) all or part of the original decision was based on evidence that was in error or was false.*
- (2) *The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

Discussion

As the applicant had indicated that there had been a previous application that allowed subdivision along Salmon River Road, staff reviewed relevant ALR applications in the area and summarized the findings for the Commissioners. Besides the two applications described in the October 25, 2007 Staff Report, three other applications were noted to be of relevance. Application #H-24902 was to subdivide the property along Salmon River Road (8 ha and 13 ha) was approved subject to the rescission of the Commission's approval for an overnight campground. Application #H-33985 to subdivide the property along Salmon River Road (12 ha and 44 ha) was approved subject to the rescission of the Commission's approval for the subdivision of a 0.8 ha lot. Application #H-34019 to subdivide the property along Salmon River Road (5 ha and 14 ha) was approved. As this information had not been directly presented to the Commission prior to making a decision on the application, a reconsideration was considered to be warranted.

The Commission considered the relevant applications and believed that they all contained individual circumstances that made them unique and thus could not be used as justification to allow the current application. The Commission believed that procedures could be followed for moving cattle/machinery across the road and that the property could be farmed as a unit.

The other information supplied by the applicant as well as all the existing file information was also considered by the Commission. It believed that it was either previously aware of all the information (i.e. it was not new information) or the information was irrelevant to the subdivision request.

As such, the Commission confirmed its belief that the property was better suited for agriculture in its present configuration.

IT WAS

MOVED BY: Commissioner Sidhu
SECONDED BY: Commissioner Mayer

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 subdivide an 8 ha lot in the northeast corner of the 64 ha property, adjacent to the Salmon River Road be refused.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- S.33 (1) *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,*
 - (b) all or part of the original decision was based on evidence that was in error or was false.*
- (2) *The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

CARRIED
Resolution #541/2008