



Agricultural Land Commission
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April 2, 2008

Reply to the attention of Brandy Ridout
ALC File: #T-37997

Ian Atherton
Ministry of Environment
PO box 9398 STN Prov Govt - 4th Floor
2975 Jutland Road
Victoria, BC V8W 9M9

Dear Mr. Atherton:

Re: Request for reconsideration

Please find attached the Minutes of Resolution #120/2008 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'EK', is written over a light blue horizontal line.

Erik Karlsen, Chair

cc: Regional District of North Okanagan (07-0782-F-ALR)

Enclosure: Minutes



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 27, 2008 by teleconference.

PRESENT:

Sue Irvine	Chair, Okanagan Panel
Sid Sidhu	Commissioner
Roger Mayer	Commissioner
Brandy Ridout	Staff
Martin Collins	Staff

For Consideration

An e-mail was received from Ian Atherton on March 20, 2008 indicating that it was not possible to meet the condition of approval to include 9 ha into the ALR as the landowner was not willing to include that amount of land.

Application: #T-37997
Applicant: Hans Hirth
Agent: Ministry of Environment
Original Proposal: To subdivide a 1 ha parcel from the 8.7 ha property as divided by the creek. The purpose of the subdivision is to use the 1 ha area, along with another 52 ha of non ALR, for parking and access to Enderby Cliffs Provincial Park. The 1 ha parcel would be consolidated into the park boundaries.
Decision: Refused as proposed. However, the Commission would allow the subdivision and non-farm use of the 1 ha area subject to the inclusion of approximately 9 ha of land into the ALR subject to conditions including the posting of a sign on the 1 ha area notifying park users that they are in an active agricultural area (this may be incorporated with other park signage).
Proposal: To reconsider the Commission's decision under Resolution #63/2008 that allowed the subdivision and use of a 1 ha area for a park parking lot subject to the inclusion of 9 ha into the ALR. The landowner is only willing to include 1 ha into the ALR.
Legal: PID: 011-520-141
Lot 1, Section 36, Township 18, Range 9, W6M, Kamloops Division
Yale District, Plan 1591
Location: Brash Allen Road, Enderby

Site Inspection

A site inspection was not conducted. The Commission recalled its recent site visit of March 6, 2008. Those in attendance were:

- Sue Irvine Chair, Okanagan Panel
- Sid Sidhu Commissioner
- Roger Mayer Commissioner
- Brandy Ridout Staff
- Keith Baric Regional Planner, Ministry of Environment (agent)
- Rose Gunoff BC Parks Ranger
- David Williams Ranch manager

Discussion

While the Commission believed it would provide a greater benefit to agriculture to include the entire area currently under cultivation into the ALR (approximately 9 ha), it noted that as the inclusion of 1 ha was equivalent to the amount proposed for subdivision, it provided an off-set to the use of 1 ha of agricultural land for parking.

In its discussions, the Commission noted that the application was received on February 21, 2008 and that every effort had been made to review the matter before the end of the fiscal year. However, the Commission wished to express to Ministry of Environment that this would not be the process with future applications and that involvement of the Commission should be requested early on in any park planning process.

The Commission also wished to indicate that future applications would not be considered without a report outlining the analysis that was undertaken to consider alternate sites. This report should include information such as the process used to locate a site, a cost analysis (if this is being used as the rationale against certain sites), air photos, and maps. In addition, as the Commission's mandate is to preserve agricultural land, a benefit to agriculture should be proposed if possible.

IT WAS

MOVED BY: Commissioner Irvine
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.

THAT the request for reconsideration be approved subject to the following conditions:

- The subdivision be in substantial compliance with the plan submitted with the application.
- The inclusion of a 1 ha area of PID: 013-809-687, as proposed.
- The posting of a sign on the 1 ha area notifying park users that they are in an active agricultural area (this may be incorporated with other park signage).
- The subdivision must be completed within three (3) years from the date of this decision.
- Approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.

Commissioner Sidhu wished to be registered as opposed to the Resolution.

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 #120/2008