



**Agricultural Land Commission**  
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December 16, 2008

Reply to the attention of Simone Rivers  
ALC File: ZZ-38577

Cormac Nolan  
Core Group Consultants  
320 - 8988 Fraserston Court  
Burnaby, BC V5J5H8

Dear Mr. Nolan:

**Re: Application to Exclude land from the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 720/2008 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

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. It will also confirm for the Registrar the area excluded from the ALR.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: City of Kamloops (ALR00027)

SBR/  
i/38577d1



# MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 14, 2008 at Williams Lake B.C.

<b>PRESENT:</b>	Grant Huffman	Chair, Interior Panel
	Holly Campbell	Commissioner
	Gordon Gillette	Commissioner
	Simone Rivers	Staff

### For Consideration

Application: # ZZ- 38577  
 Applicant: Rose Hill Estate Properties Ltd.  
 Agent: Core Group Consultants  
 Proposal: To exclude approximately 1.3 ha of ALR land and to include approximately 0.5 ha.  
 Legal: PID: 007-994-044  
 Legal Subdivision 2, Section 34, Township 19, Range 17, West of the 6<sup>th</sup> Meridian, Kamloops Division Yale District, EXCEPT Plan 20391  
 Location: Rose Hill Road, Kamloops

### Site Inspection

A site inspection was conducted on November 12, 2008. Those in attendance were:

- Grant Huffman                      Chair, Interior Panel
- Holly Campbell                     Commissioner
- Gordon Gillette                     Commissioner
- Simone Rivers                       Staff
- Doug Scott                           Real Estate Agent
- Glen Bryson                          Rose Hill Estate Properties representative

The applicants provided a letter from Herb Luttmending discussing the agricultural capability of the areas under application. The Commission viewed the area proposed for exclusion and noted that it was quite small and was bisected by a gully. It further noted that the area proposed for inclusion was rocky and steep.

Mr. Bryson confirmed that the staff report dated October 31, 2008 was received. Mr. Bryson provided a map that showed the proposed exclusion and inclusion areas with slightly different areas.

### Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and

3. to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

### **Discussion**

#### **Assessment of Agricultural Capability**

The agricultural capability of the soil of the portion of the subject property proposed for exclusion is 100% Class 6TR with limitation of Topography and shallow soil/bedrock outcroppings

Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

The Commission believed that this portion of the subject property had limited agricultural capability.

#### **Assessment of Agricultural Suitability**

The Commission believed that the area under application for exclusion had limited agricultural suitability due to its small size and location adjacent to non-ALR land that was proposed for future residential development. The Commission believed that as this area was the only part of the subject property located in the ALR to the west of the road that it was unlikely that the area would be improved for agricultural use in the future.

#### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission did not believe that the proposal would have a negative impact on the agricultural capability or utility of the adjacent lands.

#### **Assessment of Other Factors**

The Commission noted that the applicant had proposed inclusion into the ALR of some adjacent non-ALR lands. Upon inspection of these lands the Commission did not believe that they possessed agricultural capability to warrant their inclusion into the reserve. However, the Commission believed that the request for exclusion could stand on its merits as outlined above and had no objection to the proposed exclusion.

### **Conclusions**

1. That the land under application has limited agricultural capability.
2. That the land under application has limited suitability for agricultural use.
3. That the proposal will not impact agriculture.

### **IT WAS**

**MOVED BY:** Commissioner Campbell

**SECONDED BY:** Commissioner Huffman

THAT the application be allowed.

AND THAT the approval is subject to the following conditions:

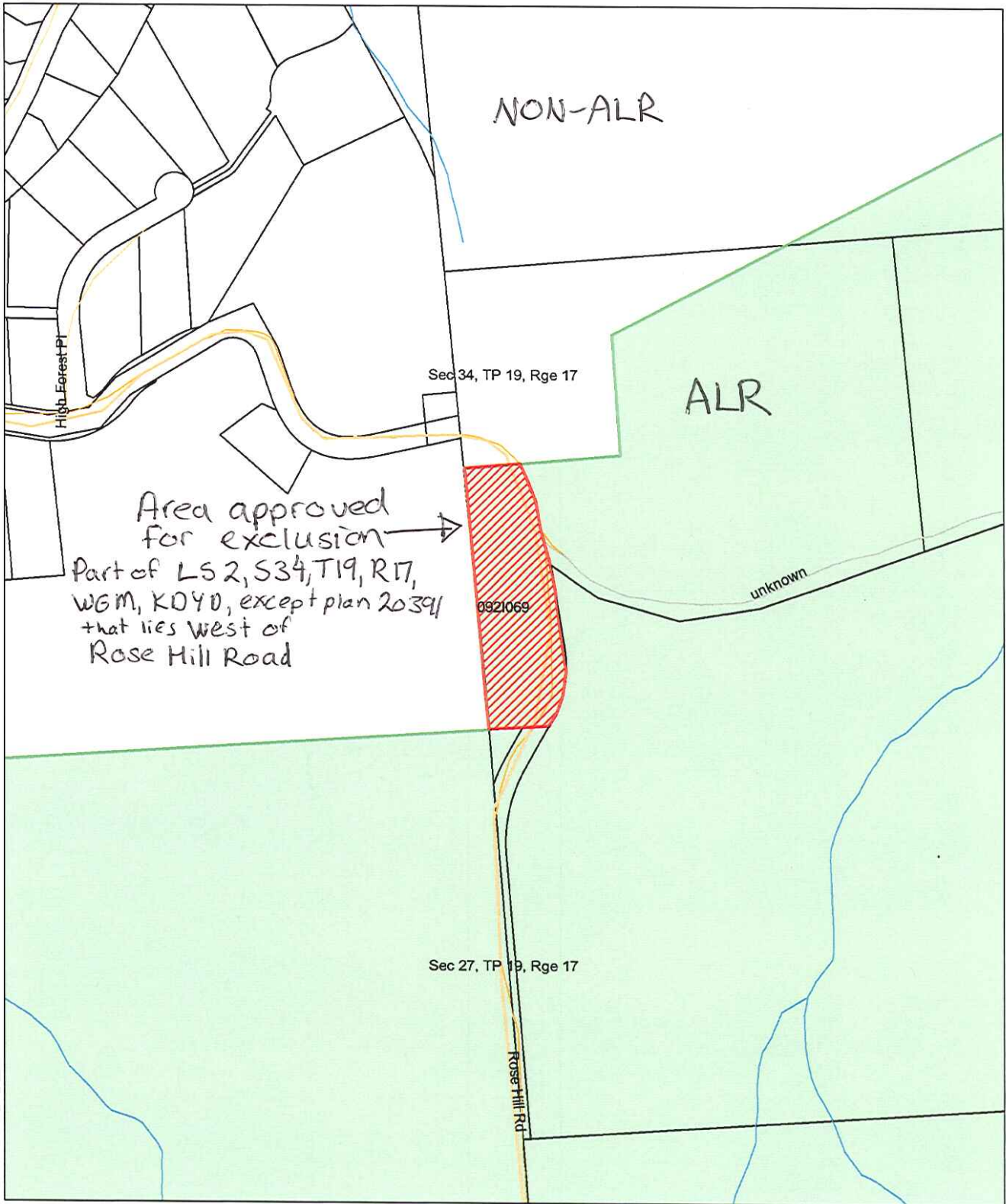
- the preparation of a subdivision plan to delineate the area to be excluded per the drawing submitted with the application.
- the subdivision must be completed within three (3) years from the date of this decision.

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 # 720/2008**



Resolution # 720/2008 - File ZZ-38577



Scale: 1: 5,000

BCGS Mapsheet(s): 921.069

