



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

July 6, 2009

Reply to the attention of Brandy Ridout
ALC File: V-38894 (45851)

Mitch Moroziuk
Director of Development and Engineering Services
City of Penticton
171 Main St.
Penticton, B.C.
V2A 5A9

Dear Sir:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 305 and a sketch plan outlining the Commission's decision as it relates to the above noted application

By way of a copy of this letter, the Commission is advising the Registrar of Land Titles of its order and confirming that the ALR notation is to be removed from the Certificate of Title .

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: BC Land Title & Survey, Kamloops
BC Assessment, Penticton

BR/i/38894d1



A meeting was held by the Provincial Agricultural Land Commission on June 16, 2009 at Salmon Arm, B.C.

PRESENT:	Roger Mayer	Chair, Okanagan Panel
	Sid Sidhu	Commissioner
	Gordon Gillette	Commissioner
	Brandy Ridout	Staff

For Consideration

Application:	V-38894 (45851)
Applicant:	City of Penticton
Agent:	Mitch Moroziuk
Proposal:	To exclude 0.3 ha from the ALR comprising 0.1 ha of the subject property and 0.2 ha of road right of way
Legal:	Lot A, DL 2710 SDYD, Plan KAP70957
Location:	Pineview Road, Penticton

Site Inspection

No site inspection was conducted.

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 and Suitability

The Commission noted that the land under application had very limited suitability for agriculture because it was either located within a road right of way, or was too small for cultivation. In addition the 0.1 ha area not within the right of way was separated from the farm remainder by Pineview Road and lay adjacent to residential lots. The Commission also recalled that it had provided advice to the previous landowner as part of a previous application that this land be excluded from the ALR.

Conclusions

1. That the land under application has no capability for agricultural uses
2. That the proposal will not impact agriculture.

IT WAS

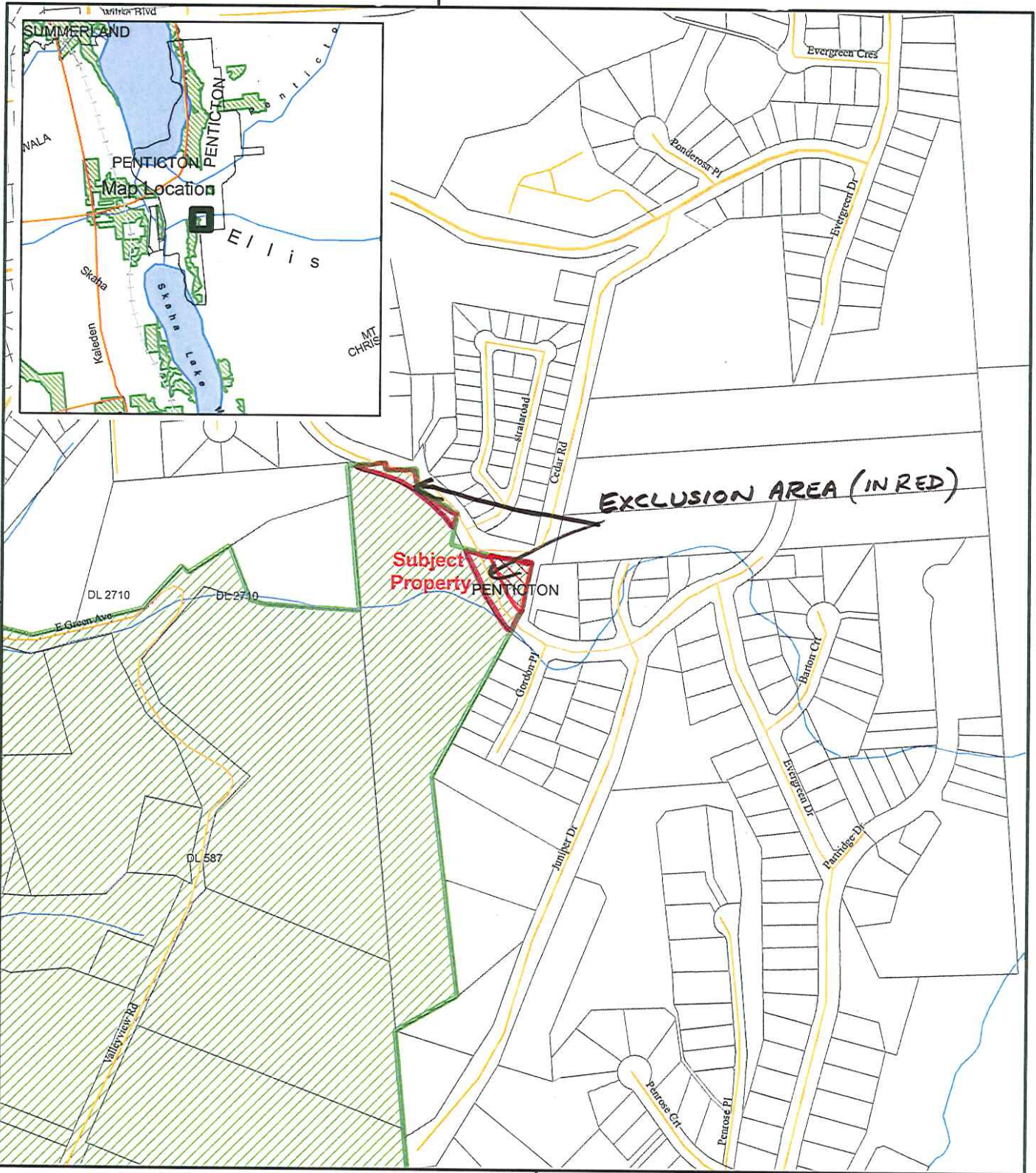
MOVED BY: Commissioner Sid Sidhu
SECONDED BY: Commissioner G. Gillette

THAT the application to exclude 0.3 ha from the ALR be allowed;

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED
Resolution # 305

119°34'0"W



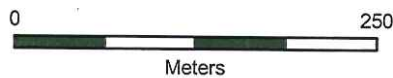
49°28'0"N

119°34'0"W

RESOLUTION # 305

ALC Context Map

Map Scale: 1:5,000



ALC File #:	02-2009-38894
Mapsheet #:	82E.043
Map Produced:	Mar 26, 2009
Regional District:	Okanagan-Similkameen