



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

February 23, 2007

Reply to the attention of Brandy Ridout
ALC File: #V - 35570

Similkameen Valley Transportation Ltd
PO Box 597 - RR5
Princeton, BC V0X 1W0

Dear Sir/Madam:

Re: Application to Subdivide land within the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 18/2007 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

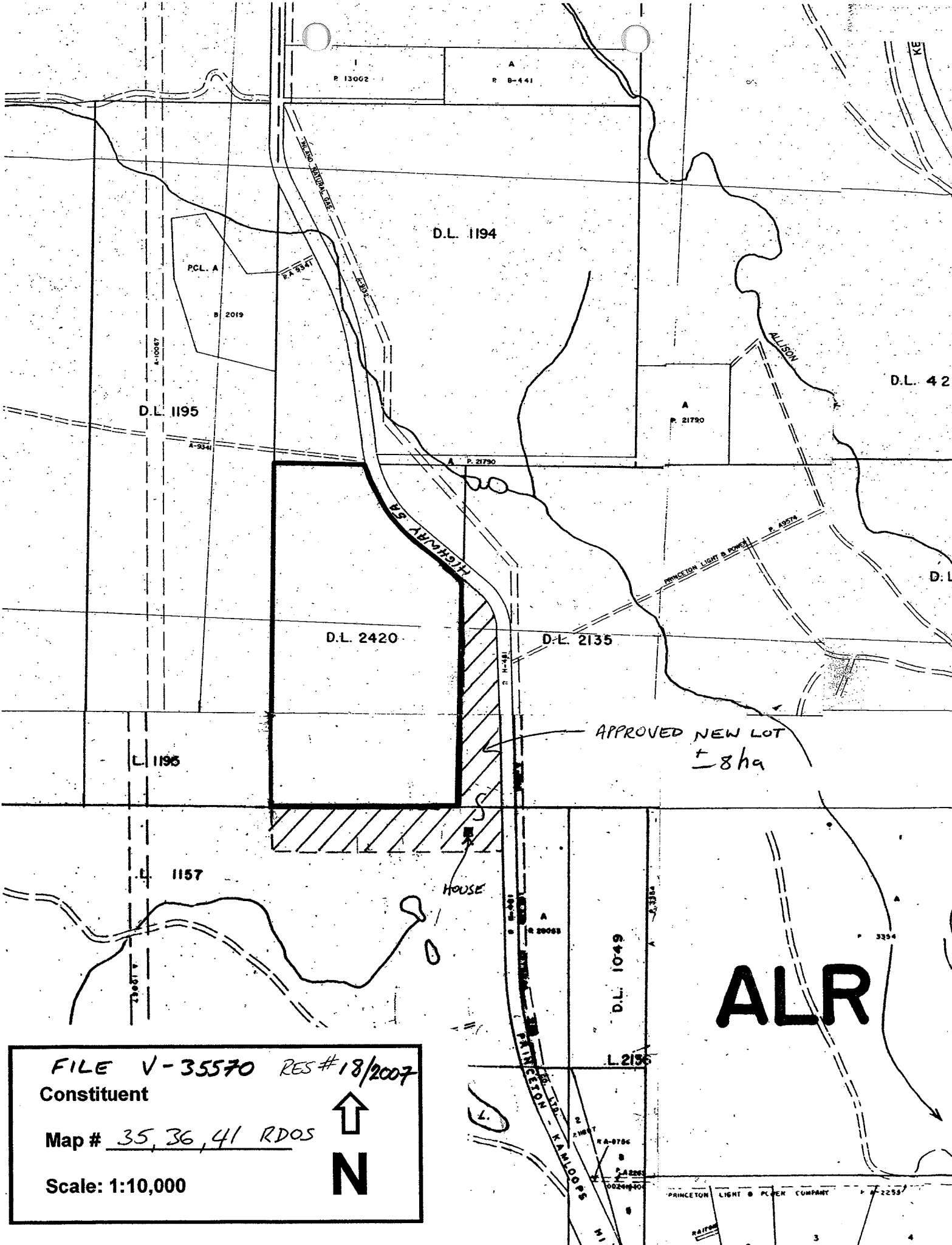
Per:



Erik Karlsen, Chair

cc: Regional District of Okanagan-Similkameen (#H-00904-000)

Enclosure: Minutes/Sketch Plan

MC/lv/35570d2



FILE V-35570 RES # 18/2007
 Constituent 
 Map # 35, 36, 41 RDOS
 Scale: 1:10,000 

ALR



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on February 12, 2007 at Salmon Arm, B.C.

PRESENT:	Sue Irvine	Chair, Okanagan Panel
	Sharon McCoubrey	Commissioner
	Sid Sidhu	Commissioner
	Jennifer Carson	Staff
	Martin Collins	Staff

For Consideration

Application: # V- 35570
Applicant: Similkameen Valley Transportation Ltd
Proposal: To subdivide 4 ha from DL 1157 and 4 ha from DL 2135 and consolidate the two 4 ha areas into a single 8 ha parcel so that the applicant's daughter can have her own home on a legal title. The Commission originally refused the subdivision of a 11.3 ha lot from the 83 ha property on the grounds of reduced agricultural capability and rural residential intrusion. It was prepared to allow the 11.3 ha subdivision subject to the binding of titles of the remainder with another adjoining large grazing property also owned by the applicant.

The Commission, by Resolution # 511/2004 refused the subdivision of an 8 ha lot from DL 1157 for the applicant's daughter because of concerns about reduced agricultural capability and rural residential intrusion.

Legal: PID: 013-032-607
District Lot 1157, Kamloops Division of Yale District, EXCEPT Plan 28053; and DL 2135, KDYD
Location: North of Princeton

Site Inspection

No site inspection was conducted for the reconsideration. The original site visit occurred on October 28th, 2004.

Discussion

The Commission considered what persons were affected by the reconsideration.

The Commission noted that the revised subdivision plan addressed the isolated 4 ha portion of DL 2135 lying west of Highway 5A. The Commission confirmed that it would be supportive of the subdivision of this 4 ha area from the remainder of DL 2135 because the highway constituted a significant barrier to using the parcel as an agricultural unit, and because the land has soils and topographic limitations for intensive agricultural uses. In view of this the Commission had no objection to adding a further 4 ha from DL 1157, encompassing the applicant's daughter's homesite, to the 4 ha part of DL 2135, resulting in an 8 ha lot, consistent with local government zoning regulations and other adjoining parcel sizes.

IT WAS

MOVED BY: Commissioner Sid Sidhu

SECONDED BY: Commissioner Sue Irvine

THAT there were no persons affected by the reconsideration;

AND THAT the request to subdivide 4 ha from DL2135 and 4 ha from DL 1157 and consolidate these 4 ha areas into a single 8 ha parcel be allowed, subject to the following conditions:

- the subdivision be in substantial compliance with the attached plan
- 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 # 18/2007



Staff Report
Reconsideration of Application # V – 35570
Applicant: Similkameen Valley Transportation Ltd
Location: Princeton

DATE RECEIVED: November 8, 2006

DATE PREPARED: January 29, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Martin Collins, Regional Land Use Planner

ORIGINAL PROPOSAL: To subdivide an 11.3 ha lot from the northeast corner of the 83 ha property for the applicant's daughter. The Commission refused the application on the grounds of reduced agricultural capability and precedent. The Commission allowed the subdivision subject to the binding of titles of the agricultural remainder with another adjoining property also owned by the applicant.

CURRENT PROPOSAL: To subdivide 4 ha from DL 1157 and 4 ha from DL 2135 and consolidate the areas to create an 8 ha (L shaped) rural residential property for the applicant's daughter (which encompasses the existing mobile home). The 4 ha area of DL 2135 is separated from the remaining 80 ha of DL 2135 by Highway 5A.

The applicant also indicated in a letter dated Nov. 2, 2006 that he was prepared to be flexible and either reduce the size of the proposed residential parcel (to 4 ha), or subdivide the 83 ha parcel into two lots of roughly equal size.

This reconsideration is made pursuant to section 33 of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The Commission originally refused the application in November 2004 because of concerns about the effects of subdivision of large grazing/grassland parcels north of Princeton. The applicants have indicated that they are unable to consolidate the remainder of the property with their adjoining property because each is under different ownership and there are negative tax implications.

Local Government:

Regional District of Okanagan-Similkameen

Legal Description of Property:

PID: 013-032-607
District Lot 1157, Kamloops Division Yale District, EXCEPT Plan 28053

Purchase Date:

03/21/1980

Location of Property:

North of Princeton west of Highway 5A

Size of Property:

83 ha (The entire property is in the ALR).

Present use of the Property:

Mobile home, pasture for cattle.

Surrounding Land Uses:

WEST: Grazing land (Crown) in the ALR
SOUTH: Grazing land DL 1156 in the ALR (120 ha)
EAST: Small holdings (1 – 2 ha) in the ALR
NORTH: 8 ha rural acreages, not in the ALR

Agricultural Capability:

Data Source: Agricultural Capability Map # 92H/7
The majority of the property is identified as having secondary ratings.

Official Community Plan and Zoning Designation:

The Rural Land Use Bylaw designates the area for RA, which permits a minimum lot size of 8 ha

PREVIOUS APPLICATIONS:

Application 76-01948
Applicant S.D. Atkinson
Decision Date: August 18, 1976
Proposal To subdivide a 8 ha lot from the property as divided by Highway 5A
Decision Allow as proposed. Subsequently the 8 ha lot was divided into smaller 1 ha lots.

RELEVANT APPLICATIONS:

Application #35029-0
Applicant: Brenda, Wayne & Bruce Crimmon
Decision Date: November 4, 2003
Proposal: To subdivide a 31 ha lot from the 1274 ha property as a Homesite Severance under *Homesite Severance Policy*. The landowner has been co-owners of the ranch property since the 1940's
Decision: Refused as proposed on grounds the applicant did not qualify for consideration under *Homesite Severance Policy*. The subdivision was refused because of concerns about impact and precedent.

Application #35029-1

Applicant: Brenda, Wayne & Bruce Crimmon
Decision Date: March 3, 2004
Proposal: To subdivide a 31 ha homesite lot from the 1274 ha property.
Decision: Refused as proposed, but allowed the subdivision of a smaller lot of less than 8 ha south of Wayne Lake.

...3

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The Regional District Electoral Area Director, Gerri Logan supported the original subdivision proposal in a letter dated January 10, 2005 because the subdivision is for a local farm family.

STAFF COMMENTS:

Staff suggests that the Commission consider the following:

- The revised proposal would still increase the number of rural residential lots in this area. However, the unique characteristics of its creation would weigh against its being used as a precedent. It is also possible that the Commission would allow the subdivision of the 4 ha area separated by Highway 5A on its own merits (given the problem of utilizing this land with the remainder of DL 2135).
- Staff has notes that the applicant has also suggested the following revised subdivision options in an earlier letter dated November 2, 2006; to subdivide
 - into two 40 ha lots because each parcel will then have a measure of agricultural utility in this grazing area.
 - a single 4 ha to reduce the impact of the parcel on the agricultural remnant.
- Staff believes has no objection to the Feb. 2, subdivision/consolidation option, or the 40 ha two lot subdivision. The former because it can stand on its own merits, the latter because two roughly equal size parcels of 40 ha is more in keeping with a grazing land base.

ATTACHMENTS:

- Applicant's November 2, 2006 letter to the Commission
- September 12, 2006 letter and supporting materials sent to Minister Bell and the Minister's response
- ALC maps (1:50,000 and 1:10,000)
- October 15, 2006 ALC staff report
- November 30, 2004 ALC decision letter

END OF REPORT

Signature

Date