



Agricultural Land Commission
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Reply to the attention of Brandy Ridout
ALC File: H-36886

April 13, 2007

R.G. Holtby
670 – 17th St. Se
Salmon Arm, B.C. V1E 1W2

Dear Sir:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 132/2007 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.

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 Certificate of Title of Lot 1, Section 29, Twp. 21, Range 8, W6M, KDYD, Plan KAP80842. (as shown on the attached map).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Columbia Shuswap Regional District (LC2343-C)
BC Land Title & Survey, Kamloops

Enclosure: Minutes/Sketch Plan

MC/eg
i/36886d1

SHUSWAP

LAKE

SEC. 32

2
P. 4905

SW 1/4 L.S. 7

A
R. 24132

1
P. 4728

2

ALR
A
P. 16838

Subject Property
EXCLUDED AREA

ODD CREEK

_R

TR. 21, R. 8, W. 6

P. 85264

SEC. 29

APPLICATION # H-36886
RESOLUTION # 132/2007

A
P. 20081

Constituent	↑
Map # <u>12</u>	
Scale: 1:10,000	N



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on February 13, 2007 at Kelowna, B.C.

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

For Consideration

Application: # H- 36886
Applicant: David Nyberg
Agent: Bob Holtby
Proposal: To exclude the 3.4 ha subject property from the ALR.
Legal: PID: 026-652-854
Lot 1, Section 29, Township 21, Range 8, W6M, Kamloops
Division of Yale District, Plan KAP80842;
Location: 6770 Sunnybrae Canoe Point Road

Site Inspection

A site inspection was conducted on February 13, 2007 . Those in attendance were:

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

The Commission noted that the 3.4 ha lot lay lower than Canoe Point Rd. and that the adjoining land in the ALR was used for pasture. The 3.4 ha area had a small flat area, but was primarily dominated by steep slopes.

Neither the applicant, nor the agent met with the Commission.

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/Suitability

In assessing agricultural capability, the Commission did not believe that the land had very good agricultural capability due to topographic limitations. Also, the size and configuration of the parcel were not conducive to agricultural production.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the exclusion against the long term goal of preserving agricultural land in the surrounding area. The Commission did not believe that excluding this land would have any impact on adjoining lands because the parcel size and residential use would be consistent with other similar size parcels on the lakeshore in the area. In fact the Commission did not even believe that it was necessary to buffer the development with the adjoining farmland because the topographic break between the parcels was so severe.

Conclusions

1. That the land under application does not have agricultural capability
2. That the land under application is not suitable for agricultural use.
3. That the proposal will not impact agriculture in the surrounding area.

IT WAS

MOVED BY: Commissioner S. Irvine

SECONDED BY: Commissioner S. McCoubrey

THAT the application to exclude 3.4 ha be allowed because the land has very limited agricultural capability.

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 # 132/2007



Staff Report
Application # H – 36886
Applicant: David Nyberg
Location: Canoe, Salmon Arm

DATE RECEIVED: August 23, 2006

DATE PREPARED: January 11, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To exclude the 3.4 ha subject property from the ALR.

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The application was originally submitted as an application to subdivide the 3.4 ha subject property into four (4) recreational lots (0.4 ha, 0.6 ha, 0.9 ha and 1.5 ha). However, the application was amended to address the Regional District's concern with small lot subdivisions with little or no agricultural potential remaining in the ALR.

Local Government:

Columbia Shuswap Regional District

Legal Description of Property:

PID: 026-652-854

Lot 1, Section 29, Township 21, Range 8, W6M, Kamloops Division Yale District, Plan KAP80842

Purchase Date:

May 2006

Location of Property:

6770 Sunnybrae Canoe Point Road

Size of Property:

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

Present use of the Property:

Recreational property, summer cabins, temporary horse shelter

BACKGROUND INFORMATION (continued):

Surrounding Land Uses:

WEST: Hayfields and agriculture
SOUTH: Residential, 40 unit RV park
EAST: Shuswap Lake
NORTH: Rural residential parcels

Agricultural Capability:

Data Source: Agricultural Capability Map #82L.085
The majority of the property is identified as having Secondary ratings.

Community Planning:

No OCP, Rural Land Use Bylaw or Zoning Bylaw for this area.
Minimum Lot Size: Local Services Act 1,675 m² (18,000 sq. ft.) or larger with on-site sewer disposal. Interior Health is requesting that parcel sizes be a minimum of 1 ha.

PREVIOUS APPLICATIONS:

Application #36052-0

Applicant: Glenn & Meya Petznick
Decision Date: July 22, 2005
Proposal: To subdivide a 4.8 ha property into a 1.4 ha and a 3.4 ha lot.
Decision: Allowed on the grounds the land had limited capability for agriculture due to steep topography, small size, configuration and location.

RELEVANT APPLICATIONS:

Application #22594-0

Applicant: Blois Holdings Ltd.
Decision Date: October 21, 1988
Proposal: To subdivide the 37 ha property into a 2.7 ha, 2.2 ha and 1.0 ha lot with a 31.3 ha remainder.
Decision: Allowed subject to fencing along the west side of proposed Lot 3.

Application #25351-0

Applicant: Mary Stewart
Decision Date: December 18, 1991
Proposal: To utilize the existing accommodation on the subject property for a business retreat/meeting area, family or group retreat, bed and breakfast.
Decision: Refused on the grounds that it was inappropriate to introduce a tourist commercial operation of any scale into an active farming area which could possibly jeopardize the adjacent agricultural operation.

Application #35180-0

Applicant: Jones, Sonja
Decision Date: March 3, 2004
Proposal: To exclude the 1.0 ha subject parcel to facilitate its subdivision into three lots each containing one of the existing residences.
Decision: Refused allowed the subdivision of the property into three lots, each containing one of the residences subject to buffering along the northern boundary of the property (primarily along the northern boundary of proposed lot 1).

RELEVANT APPLICATIONS (continued):

Application #35296-0

Applicant: Betty Meige

Decision Date: April 8, 2004

Proposal: To develop a 40-unit RV Park on approximately 0.8 ha (in the north-eastern corner) of the 46.5 ha property. The property is a working organic cattle ranch and the applicant's intention is to enhance the agri-tourist potential of the ranch by exposing tourists to both beef and lumber retail opportunities.

Decision: Allowed subject to the consolidation of any two of the ranch properties by covenant.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Columbia Shuswap Regional District Board: Recommend that exclusion be considered.

CSRD Development Services (comment provided only on the original version of the application - subdivision in the ALR): Have concerns with applications for subdivisions within the ALR where the parcels will no longer be capable of being used for agriculture. Also, small lot subdivisions adjacent to farming operations leave opportunities for conflict. The issue of small lots being left in the ALR with no potential for agriculture only to retain the exemption on taxes is a concern. In order to preserve the intergirty of the ALR, decision need to be reassessed regarding the creation of small residential lots within the ALR. Recommends refusal.

STAFF COMMENTS:

Staff suggests the Commission consider the following:

- The subject property was created through a subdivision approved by the Commission in 2005 on the grounds that the land had limited capability for agriculture due to steep topography, small size, configuration and location.
- The largest agricultural development on the Canoe Point area – a cattle ranch that includes hay fields and pastures – is across the road from the subject property. The exclusion of the property would likely mean the introduction of additional residences in the area and possible conflict with the cattle operation.
- If there is a benefit to agriculture of keeping small lots in the ALR (e.g. under application #H-35180 exclusion was refused but subdivision into three lots was allowed).

ATTACHMENTS:

- ALR Constituent Map 12 – 1:10,000
- Air photo (prepared by ALC staff)
- Report prepared by agent for application
- Columbia Shuswap Regional District Development Services Staff Report

END OF REPORT



Signature



Date