



Agricultural Land Commission
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February 27, 2007

Reply to the attention of Brandy Ridout
ALC File: #H - 37080

Sarka Baker
RR2 - Site 20 - Comp 24
Chase, BC V0E 1M0

Dear Sir/Madam:

Re: Application to subdivide land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 17/2007 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.

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: Columbia Shuswap Regional District (#LC2346-C)

Enclosure: Minutes/Sketch Plan

MC/lv/37080d1



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- 37080
 Applicant: Darren and Lia Marie Seibel
 Agent: Sarka Baker
 Proposal: To subdivide the 17.2 ha subject property into 3 parcels as divided by Skimikin Rd. and by Plan 36395. This would create two (2) parcels north of Skimikin Road and the reminder lying south of the road.
 Legal: PID: 003-382-150
 Block B, Section 14, Township 21, Range 11, W6M, Kamloops Division of Yale District, EXCEPT Plans 34853, H17714, 36395 and KAP71323;
 Location: 1715 Skimikin Road, west of Tappen

Site Inspection

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

- Sue Irvine Chair, Okanagan Panel
- Sharon McCoubrey Commissioner
- Sid Sidhu Commissioner
- Jennifer Carson Staff
- Martin Collins Staff
- Darren Seibel Applicant
- Sarka Baker Agent

The Commission viewed the proposed lots. It was advised that Skimikin Road has become a significant impediment to using the property as a single unit because of increased traffic and high speeds. Ms. Sarka Baker indicated that she wanted to purchase one of the parcels to develop a sheep operation. She currently rents a portion of the property for raising sheep.

Mr. Seibel confirmed that the staff report dated January 11, 2007 was received and no errors were identified.

Discussion

Assessment of Agricultural Capability

In assessing agricultural capability of the property, the Commission confirmed that the land had reasonably good capability based on its valley bottom soils. However, the Commission also recognized that the ability to use the property as a single agricultural unit was compromised by the division of the property by Skimikin Road, and by another rural residential parcel.

In view of this the Commission had no objection to the three lot subdivision as proposed.

IT WAS

MOVED BY: Commissioner Sharon McCoubrey

SECONDED BY: Commissioner Sue Irvine

THAT the application to subdivide the 17.2 ha lot into three lots be allowed.

AND THAT the approval is 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.

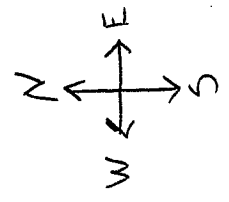
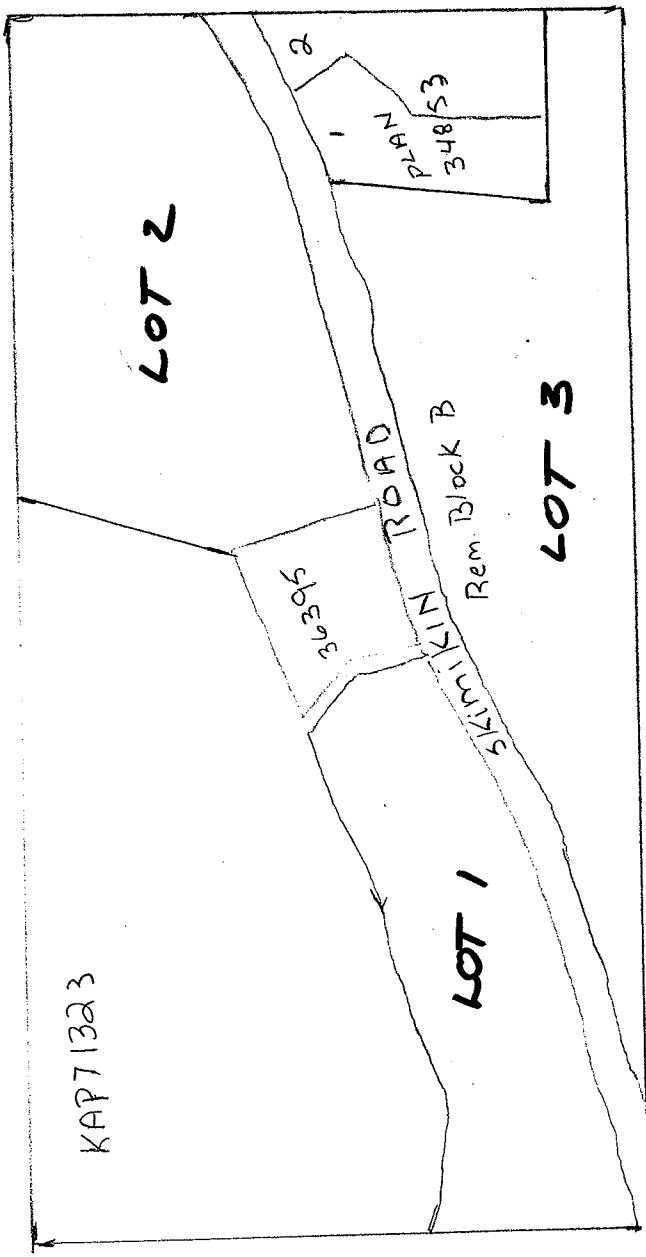
This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED

Resolution # 17/2007

Block B, Section 14, Township 21, Range 11, West of the 6th Meridian.

RECEIVED
PROV. AGRICULTURAL
LAND COMMISSION NOV 23 2006



APPLICATION H-37080
RESOLUTION #17/2007



Staff Report
Application # H – 37080
Applicant: Darren and Lia Marie Seibel
Agent: Sarka Baker
Location: Skimikin Lake area, west of Tappen

DATE RECEIVED: November 23, 2006

DATE PREPARED: January 11, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To subdivide the 17.2 ha subject property into 3 parcels as divided by Skimikin Road and Lot 1, Plan 36395. This would create two (2) parcels north of Skimikin Road and a remainder lying south of the road.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

Local Government:

Columbia Shuswap Regional District

Legal Description of Property:

PID: 003-382-150
Block B, Section 14, Township 21, Range 11, W6M, Kamloops Division Yale District, EXCEPT
Plans 34853, H17714, 36395 and KAP71323

Purchase Date:

July 2005

Location of Property:

1715 Skimikin Road, west of Tappen

Size of Property:

17.2 ha (about 14 ha lie within the ALR).

BACKGROUND INFORMATION (continued):

Present use of the Property:

Proposed lot 1: dairy sheep and goats, laying/meat birds and pigs
Proposed lot 2: no farming, from the road to the treeline is 48 metres, remainder is steep treed hillside.
Proposed lot 3: dairy goats and heritage birds.

Surrounding Land Uses:

WEST: Skimikin Lake, provincial campground
SOUTH: Skimikin Nursery in the ALR - large scale silviculture
EAST: Auto wrecker, hobby farms in the ALR
NORTH: Forested hillside outside the ALR

Agricultural Capability:

Data Source: Agricultural Capability Map # 82L/14
The majority of the property is identified as having prime dominant ratings.

Official Community Plan and Zoning Designation:

No OCP or Zoning bylaw exists for this area.
Minimum Lot Size: Local Services Act permits lots as small as 1,675m² or larger as necessary for sewage disposal.

PREVIOUS APPLICATIONS:

Application #09171-0

Applicant: Herbert & Darlene Smith
Decision Date: October 11, 1979
Proposal: To subdivide three 0.4 ha lots from the 31 ha property. There are six residences on the property (3 mobile homes and 3 permanent dwellings). Three of the homes have unregistered leases and the purpose of the application is to provide fee simple parcels for these homes.
Decision: Refused on the grounds of fragmentation and precedent.

Application #16343-0

Applicant: Herbert & Darlene Smith
Decision Date: September 13, 1983
Proposal: To exclude approximately 8 ha of the 31 ha property from the ALR (about 24 ha of the property lies within the ALR) because the land is gravelly and unsuitable for agricultural use. The applicant wants to subdivide the 8 ha area into three lots.
Decision: Refused the exclusion as proposed, but did allow the subdivision of two 1 ha lots in the southeast corner of the property (encompassing two dwellings - one on each lot), and allowed a third lot (in principle) north of the Skimikin Rd (subject to more detailed mapping and fencing).

PREVIOUS APPLICATIONS (continued):

Application #24525-0 (to -5)

Applicant: Vaughn McArthur

Decision Date: August 14, 1990 – March 2001

Proposal: To subdivide the 27 ha property into two lots of 17 ha and 10 ha as bisected by the Skimikin Road.

Decision: Refused on the grounds that the property has good agricultural capability and subdivision would reduce the agricultural options and encourage subdivision of other similarly configured agricultural parcels in the area. Reconsidered and refused twice (once to subdivide the existing three homes on the property). The Commission did allow the subdivision of the property as divided by the ALR boundary with access through the ALR adjacent to Lot 1, PI. 36395 (see application # H-16243). The final subdivision intruded into the ALR because the ALR boundary did not closely follow the break in topography.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Columbia Shuswap Regional District (CSRD) Board: Forwarded the application with a recommendation of support.

CSRD Staff: Recommend that the application be forwarded with the recommendation for approval. The additional parcels would not be an impediment to the farming community and would not have a long term effect on the agricultural use of the subject property. The property is currently being farmed as if it was three separate parcels.

STAFF COMMENTS:


Staff recommends that the Commission consider the following:

- Skimikin Road does not appear to be significant impediment to farming due to relatively low traffic volumes.
- The Commission has previously allowed subdivision of three small lots from the property on poor capability land to help resolve the outstanding lease issues.
- The Commission previously refused the subdivision of the property as divided by Skimikin Road and to subdivide the remaining three homes onto their own parcels.
- Subdividing the property will reduce the options available and raise expectations of subdivision in the area but would separate the existing homes and disparate uses.

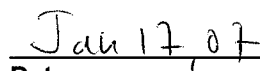
ATTACHMENTS:

- ALR Base Map (1:50,000)
- ALR Constituent Map (1:10,000)
- Applicant's sketch plan
- Pages 121-123 & 125 of Development Services Information Sheet
- Air photo

END OF REPORT



Signature



Date