



Agricultural Land Commission
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April 18, 2007

Reply to the attention of Brandy Ridout
ALC File: #H - 37210

Bob Holtby
670 - 17th Street SE
Salmon Arm, BC V1E 1W2

Dear Mr. Holtby:

Re: Application to subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 107/2007 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Columbia Shuswap Regional District (#LC2350-C)

Enclosure: Minutes

BR/lv
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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 29, 2007 in Vernon, BC.

PRESENT:	Sue Irvine	Chair, Okanagan Panel
	Sid Sidhu	Commissioner
	Monika Marshall	Commissioner
	Brandy Ridout	Staff
	Martin Collins	Staff

For Consideration

Application: # H- 37210
Applicant: Aaro Simonson
Agent: Bob Holtby
Proposal: To subdivide eleven 1 ha lots from the 13.7 ha subject property leaving a remainder of approximately 2.8 ha. One of the proposed lots is not within the Agricultural Land Reserve (ALR) and another is only partially within the ALR.
Legal: PID: 008-068-101
L.S. 6, Section 11, Township 21, Range 10, W6M, Kamloops
Division Yale District, EXCEPT Plans 5195, KAP78888, KAP82187
Location: Sunnybrae - Electoral Area "C" - 425 Richview Road

Site Inspection

A site inspection was conducted on March 29, 2007. Those in attendance were:

- Sue Irvine Chair, Okanagan Panel
- Sid Sidhu Commissioner
- Monika Marshall Commissioner
- Brandy Ridout Staff
- Martin Collins Staff
- Aaro Simonson Applicant
- Bob Holtby Agent

Mr. Holtby confirmed that the staff report dated March 12, 2007 was received and no errors were identified.

The Commission toured the property and noted that portions were affected by steep slopes that precluded all but grazing uses. The steep slopes, southerly aspect, and high summer temperatures eliminated potential for good pasture without irrigation, though there may be potential for vineyard production for winter hardy varieties. The Commission also noted that little or no agricultural development was occurring in this upland area, and that private landowners to the west and north might request similar subdivision should this application be permitted.

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

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of approximately half of the subject property is Class 4 with limitations of topography and moisture deficiency while the other half is Class 6 with a limitation of topography.

Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

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

In assessing the agricultural capability of the property and the area proposed for subdivision, the Commission noted that the land had challenges for agriculture due to steep topography and poor soils. However, the Commission believes the land has some capability for intermittent grazing uses, consistent with similar hillside lands in the ALR. Should irrigation water be provided it is possible that more intensive agricultural vineyard production could occur (irrigated pasture, vineyard), though the range of agricultural production might also be limited by soil capability.

Assessment of Agricultural Suitability

The Commission assessed whether external factors, such as encroaching non-farm development, have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external factors that render the land unsuitable for agricultural use.

The Commission noted that the property had historically been used as a part of a ranching operation but that the operation was no longer in existence. Left as an individual parcel, the lack of water and steep topography posed challenges to agriculture.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the subdivision proposal against the long term goal of preserving agricultural land. The Commission believes that subdividing the land as proposed will effectively eliminate any of the limited agricultural capacity of the property and that is extremely unlikely that any of the small lots will be used for agricultural purposes.

Assessment of Other Factors

The Commission discussed the value of retaining this land within the ALR when it was apparent that the parcel was not being used for any grazing purposes, or in conjunction with any other grazing/ranch properties. The Commission also expressed concern about permitting non-agricultural subdivision of the property, and yet retaining the lands within the ALR. The Commission believes that keeping the land within the ALR necessitated the retention of the property in the largest possible size to ensure that the broadest range of the potential (though limited) options remain for agriculture.

IT WAS

MOVED BY: Commissioner Sidhu
SECONDED BY: Commissioner Irvine

THAT the application be refused.

CARRIED

Resolution # 107/2007



Staff Report
Application # H – 37210
Applicant: Aaro Simonson
Agent: Bob Holtby
Location: Sunnybrae, east of Tappen

DATE RECEIVED: January 29, 2007

DATE PREPARED: March 12, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To subdivide eleven (11) 1 ha lots from the 13.7 ha subject property leaving a remainder of approximately 2.8 ha. One of the proposed lots (sketch of subdivision shows it as lot 11) is not within the Agricultural Land Reserve (ALR) and another is only partially within the ALR.

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: 008-068-101

L.S. 6, Section 11, Township 21, Range 10, W6M, Kamloops Division Yale District, EXCEPT Plans 5195, KAP78888, KAP82187

Purchase Date:

1960

Location of Property:

425 Richview Road, Sunnybrae - Electoral Area "C"

Size of Property:

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

Present use of the Property:

Residence, carving building

BACKGROUND INFORMATION (continued):

Surrounding Land Uses:

WEST: Vacant land – logged – not in the ALR
SOUTH: Urban residential – not in the ALR
EAST: 8 ha Hobby farm and a home based business approved by the ALC
NORTH: Forested ALR parcel (15 ha)

Agricultural Capability:

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

Official Community Plan and Zoning Designation:

Although no Official Community Plan or zoning bylaw governs this area, there is a planning project in process to enact an OCP for this area.
Minimum Lot Size: Under Local Services Act is 1,675 m² or larger for sewage disposal. Interior Health is recommending that parcels be a minimum of 1 ha.

PREVIOUS APPLICATIONS:

Application #35535-0

Applicant: Aaro Simonson
Decision Date: September 24, 2004
Proposal: To subdivide one 1 ha lot from the 15.3 ha property (less than half of the proposed lot is within the ALR). An additional lot entirely outside of the ALR will also be subdivided off of the property.
Decision: Allowed on the grounds the subdivision would have a limited impact on the agricultural capability of the property.

RELEVANT APPLICATIONS:

Application #25296-0

Applicant: Eeli Simonson
Decision Date: July 16, 1991
Proposal: To operate a body shop in the existing farm buildings.
Decision: Allowed for a three year period with the decision to be reviewed at that time and subject to conditions.

Application #37112-0

Applicant: Joel Allen
Decision Date: February 14, 2007
Proposal: Subdivision for a relative: The applicants are proposing to subdivide six 2 ha lots from 34 ha subject property for their children.
Decision: Refused the subdivision as proposed, but would be prepared to consider a revised exclusion application that identified the non-arable areas of the property.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Columbia Shuswap Regional District Board: Concurred with Development Services. .

CSRD Development Services: Recommend that the application be forwarded with a recommendation for approval.

STAFF COMMENTS:

Staff recommends that the Commission consider the following:

- About 1/3 of the property has very limited agricultural capability due to poor soils and steep topography.
- The remaining cleared area has reasonably good agricultural capability, but is hampered for agricultural development due to limited water supply.
- In other similar situations the Commission has taken the view that subdivision into lots as small as has been proposed should be considered as part of an exclusion analysis, because the proposed lot sizes are not an agricultural size.
- The applicant's agent indicates that since no water (beyond well water) is available for irrigation, then the land has very marginal capability for agriculture.
- A site inspection might assist in ascertaining whether the poorer capability areas could be subdivided without eliminating or compromising agricultural potential of a more arable remnant.

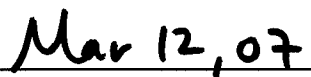
ATTACHMENTS:

- ALR Base Map #82L/14
- ALR Constituent #32
- Soil Agricultural Capability Map (provided by CSRD)
- Proposed subdivision (provided by applicant)
- Regency Consultants report
- CSRD information sheet

END OF REPORT



Signature



Date