



Agricultural Land Commission
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May 7, 2007

Reply to the attention of Simone Rivers
ALC File: ZZ-37296

Daniel Arundel
RR1 - Site 2 - Comp 52
Heffley Creek, BC V0E1Z0

Dear Mr. Arundel:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 192/2007 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 Certificate of Titles for title # KP46278, # KP46276, KP46277

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the 'Per:' label.

Erik Karlsen, Chair

cc: Thompson-Nicola Regional District (ALR-P-104)
BC Land Title & Survey, Kamloops

Enclosure: Minutes/Sketch Plan

SR/eg
i/37296d1

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

The Commission believes that the subject properties have agricultural capability similar to ALR land on the west side of the highway.

Assessment of Agricultural Suitability

The Commission assessed whether the external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission noted that the usable area of each property is small as the properties are constrained by the highway on one side and a steep rock face on the other. There is also a hydro right of way running through the properties which further constrains the amount and type of development possible on each property. For these reasons the Commission believes that the subject properties are not suitable for agricultural use.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The subject properties are located in an area with a variety of parcel sizes. There are small rural residential lots both inside and outside of the ALR on both sides of the highway. The Commission does not believe the proposal would impact existing or potential agricultural use of surrounding lands.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is not suitable for agricultural use.
3. That the proposal will not impact agriculture.

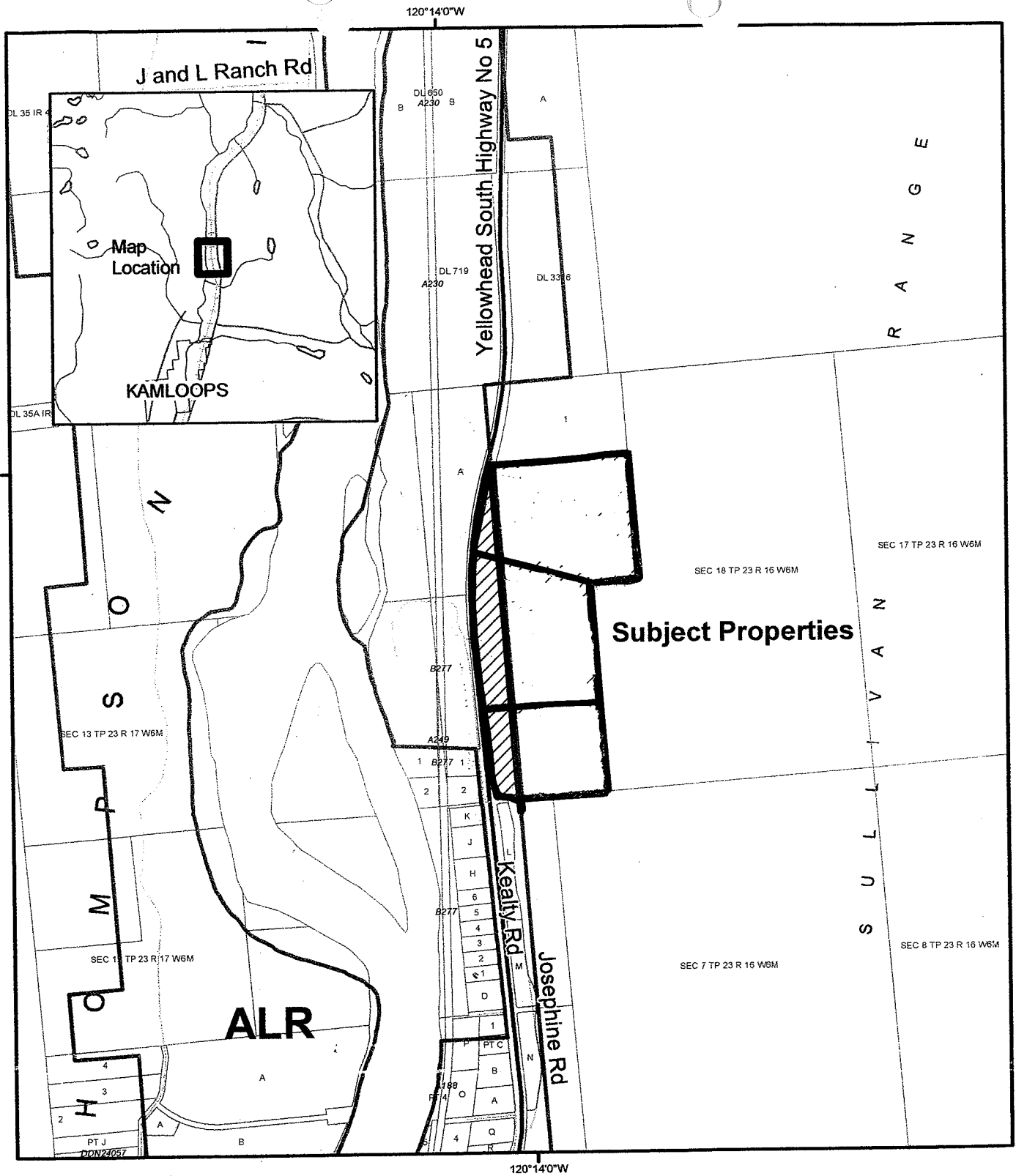
IT WAS

MOVED BY: Commissioner Gillette
SECONDED BY: Commissioner Campbell

THAT the application to exclude the ALR portion of the subject properties (approximately 12 ha) be allowed as proposed.

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 # 192/2007



Provincial Agricultural Land Commission

Application #ZZ-37296
 Resolution 192/2007

 Subject Property

 ±12 hectare area approved for exclusion from the ALR

ALC File #: 02-2007-37296

Mapsheet #: 921.099

Map Produced: Mar 29, 2007

Regional District: Thompson-Nicola

ers



Staff Report
Application # ZZ – 37296
Applicant: Daniel Arundel

DATE RECEIVED: March 16, 2007

DATE PREPARED: April 5, 2007

TO: Chair and Commissioners – Interior Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: To exclude the ALR portion of the subject properties from the Agricultural Land Reserve

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

BACKGROUND INFORMATION:

The applicant has previously applied to subdivide two of the subject properties, the Commission allowed the subdivision. The ALR portion of the properties is a narrow strip along the highway approximately 12 ha in size. Several landowners to the south have expressed opposition to the proposal to exclude the land.

Local Government:

Thompson-Nicola Regional District

Legal Description of Property:

1. PID: 002-884-259
Lot D, Section 18, Township 23, Range 16, W6M, Kamloops Division of Yale District, Plan 35241, EXCEPT Plan KAP53736 and KAP66849
2. PID: 024-786-217
Lot 1, Section 18, Township 23, Range 16, W6M, Kamloops Division of Yale District, Plan KAP66849
3. PID: 024-786-233
Lot 2, Section 18, Township 23, Range 16, W6M, Kamloops Division of Yale District, Plan KAP66849

Purchase Date:

February 1999

Location of Property:

Highway 5 in Vinsula (approximately 20km's north of Kamloops)

Size of Property:

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

Present use of the Property:

Lot d - Residence, barn, shed, animal shelter Lot 1 - Land not in use, storage building, Lot 2 - Land not in use, no buildings

Surrounding Land Uses:

WEST: Residence, horses
SOUTH: Residence
EAST: Crown land
NORTH: Residence (trailer)

Agricultural Capability:

Data Source: Agricultural Capability Map # 921/16
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

Kamloops North OCP
Designation: Agricultural

Zoning Bylaw and Designation:

Zoning: Bylaw No. 940
Designation: SH-1 (Small Holding)
Minimum Lot Size: 2 ha

PREVIOUS APPLICATIONS:

Application #31970-0

Applicant: Ricketts, Kelly & Ingrid
Decision Date: June 22, 1998
Proposal: To subdivide the 66 ha (163.38 acre) property into 3 lots of 16 ha, 24 ha and 26 ha.
Decision: Allowed.
Note: This application created the subject properties, which are currently all under application and owned by the same person.

Application #36628-0

Applicant: Arundel, Daniel
Decision Date: July 11, 2006
Proposal: To subdivide the properties (Lot 1 and Lot 2 as described in the legal descriptions above) into five 8 ha lots to be sold as hobby farms.
Decision: Allowed.
Note: This subdivision has not been completed.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

No comments or recommendations as per policy.

STAFF COMMENTS:

Staff notes that there is a covenant on the properties in favour of the TNRD and the Ministry of Transportation that states that "*no permanent improvements shall be built, constructed or otherwise located upon those portions of the lands lying within fifteen (15) meters of the easterly boundary of plan H8754, which shall be reserved for future road purposes.*"

There is also a covenant on the property in favour of the TNRD that restricts building on the properties to certain sites because of rockfall hazard.

Both previous requests to subdivide this property were allowed.

ATTACHMENTS:

- Letters from three adjacent land owners who oppose the proposal.
- Minutes and Letter of Commission Resolution # 369/2006
- ALC Context Map - 921.099 - 1:50,000 (created by ALC Staff)
- ALC Context Map - 921.099 - 1:20,00 (created by ALC Staff)
- Airphoto - (created by ALC Staff)

END OF REPORT

Simone Rivers
Signature

April 5, 2007
Date