



**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

September 28, 2005

Reply to the attention of Brandy Ridout

Geneva McLean  
4571 - 50th N.E.  
Salmon Arm, BC - V1E1Y6

Dear Madam:

**RE: Application #H-36055-0**

PID: 011-698-403

Lot 3, Section 30, Township 20, Range 9, W6M, Kamloops Division of Yale District,  
Plan 1238

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide a 2.0 ha lot from the western side (40th Street NE) of the 7.8 ha property. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*.

The Commission wishes to thank you for taking the time to meet with its representatives on July 22, 2005. During the site visit the Commission determined that land had limited agricultural capability.

The Commission writes to advise that it refused your application as proposed but would be willing to consider an alternate subdivision, the approval of which would be subject to:

- the lot design taking into account both topography and adjacent lot-size
- the lot design not including a panhandle, and
- compliance 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. The Commission suggests you contact the City of Salmon Arm at your earliest convenience.

The decision noted above is recorded as Resolution **#404/2005**.

Please submit your modified proposal to the Commission for its approval. Upon written confirmation of approval from the Commission, please send two (2) paper prints of the final survey plans to this office well in advance of commencing registration at the Land Titles Office. When the Commission confirms that the subdivision plan is acceptable and verifies that all conditions of approval have been met it will authorize the Registrar of Land Titles to accept the application for deposit of the plan. Please quote your application number in any future correspondence.

Yours truly,  
PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: City of Salmon Arm - ALC290  
BR/lv/36055d1

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on September 23, 2005 at 8090 Highway 97, Lake Country, BC.

**PRESENT:** Sharon McCoubrey    Commissioner  
                    Sid Sidhu    Commissioner

**ABSENT:** Sue Irvine    Vice Chair

**STAFF:** Brandy Ridout, Regional Research Officer  
                    Martin Collins, Planning Officer

For Consideration

Brandy Ridout presented the June 17, 2005 staff report regarding application #H - 36055.

Site Inspection

A site inspection was conducted on July 22, 2005 between 8:00 and 8:30 a.m. Those in attendance were:

- Commissioners Irvine, McCoubrey and Sidhu
- Agricultural Land Commission Staff: Brandy Ridout and Martin Collins
- Geneva McLean, applicant
- Debra Cannon, agent

Commission Discussion

The Commission noted that the land had limited agricultural capability. It also noted that the proposed 2.0 ha lot did not take into account topography or adjoining lot sizes. As such, the Commission refused the application as proposed. However, it would be willing to consider a lot that was sensitive to topography and adjacent lot-size and did not include a panhandle in the lot design.

**IT WAS**

**MOVED BY:**                          Commissioner McCoubrey

**SECONDED BY:**                      Commissioner Sidhu

THAT the staff report be received

AND THAT the application to subdivide a 2.0 ha lot from the western side of the 7.8 ha property be refused as proposed

AND THAT the subdivision of a lot which took into account topography and adjoining lot sizes and did not include a panhandle, would be allowed

AND FINALLY THAT the potential approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



**Staff Report**  
**Application # H – 36055**  
**Applicant: Geneva McLean**  
**Agent: Debra Cannon**

**Location: 4571 – 50<sup>th</sup> Street NE, Canoe, Salmon Arm**

**DATE PREPARED:** June 17, 2005

**TO:** Chair and Commissioners – Okanagan Panel

**FROM:** Elisa Martin, Regional Research Officer

**PROPOSAL:** To subdivide off a 2.0 ha lot from the western side (40th Street NE) of the 7.8 ha property for the applicant's daughter.

The applicants do not qualify for consideration under the *Homesite Severance Policy*, having purchased the property in August 1973.

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

**BACKGROUND INFORMATION:**

The western portion of the property is treed and is physically separated from the eastern portion by a fairly steep slope.

There has been one previous application on this property (see application details below).

**Local Government:**

District of Salmon Arm

**Legal Description of Property:**

1. PID: 011-698-403  
Lot 3, Section 30, Township 20, Range 9, W6M, Kamloops Division of Yale District, Plan 1238

**Purchase Date (m/d/y):**

08/01/1973

**Location of Property:**

Canoe, Salmon Arm

**Size of Property:**

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

**Present use of the Property:**

Residence, shed and treed.

**Surrounding Land Uses:**

**WEST:** 40th Street NE  
**SOUTH:** Rural Residential  
**EAST:** Trans Canada Highway  
**NORTH:** Rural Residential

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82L/11  
The majority of the property is identified as having Secondary ratings.

**Official Community Plan and Designation:**

Acreage Reserve

**Zoning Bylaw and Designation:**

Rural Holding (A-2)  
The minimum lot size is 4.0 ha.

**PREVIOUS APPLICATION:**

**Application #01515-0**

**Applicant:** McLean, David Lewis  
**Decision Date:** June 17<sup>th</sup>, 1976  
**Proposal:** To subdivide the property into two parcels of 4.0 ha each.  
**Decision:** Refused on the grounds that the proposed subdivision would reduce the options for agricultural use of the land.

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**Application #01515-0**

**Applicant:** McLean, David Lewis  
**Decision Date:** March 31<sup>st</sup>, 1977  
**Proposal:** To subdivide the property into two parcels of 4.0 ha each.  
**Decision:** Refused on the grounds that the proposed subdivision would reduce the options for agricultural use of the land, a road could be built to overcome the ridge and approval could set a precedent for subdivision requests in the area.

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**RELEVANT APPLICATION:**

**Application #34137-0**

**Applicant:** Rasmussen, John & Cornelia  
**Decision Date:** February 06, 2002  
**Proposal:** To subdivide a 2 ha lot for the landowner's daughter from the 12 ha subject property  
**Decision:** The Commission approved this application to subdivide a 2 ha lot from this 12 ha property on the grounds that an adjacent 4 ha lot, which was granted to the

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applicant's mother as a leasehold for life, will be absorbed into the subject property upon her death.

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**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

The District of Salmon Arm Council authorized this application for submission to the Commission.

**STAFF COMMENTS:**

Staff suggests that the Commission consider the following points:

- the western and eastern sides of the property appear to be physically separated by topography
  - the Commission approved a similar application in 2002 two properties north of the subject property (see application #34137)
  - the property has not been used for agriculture
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**END OF REPORT**

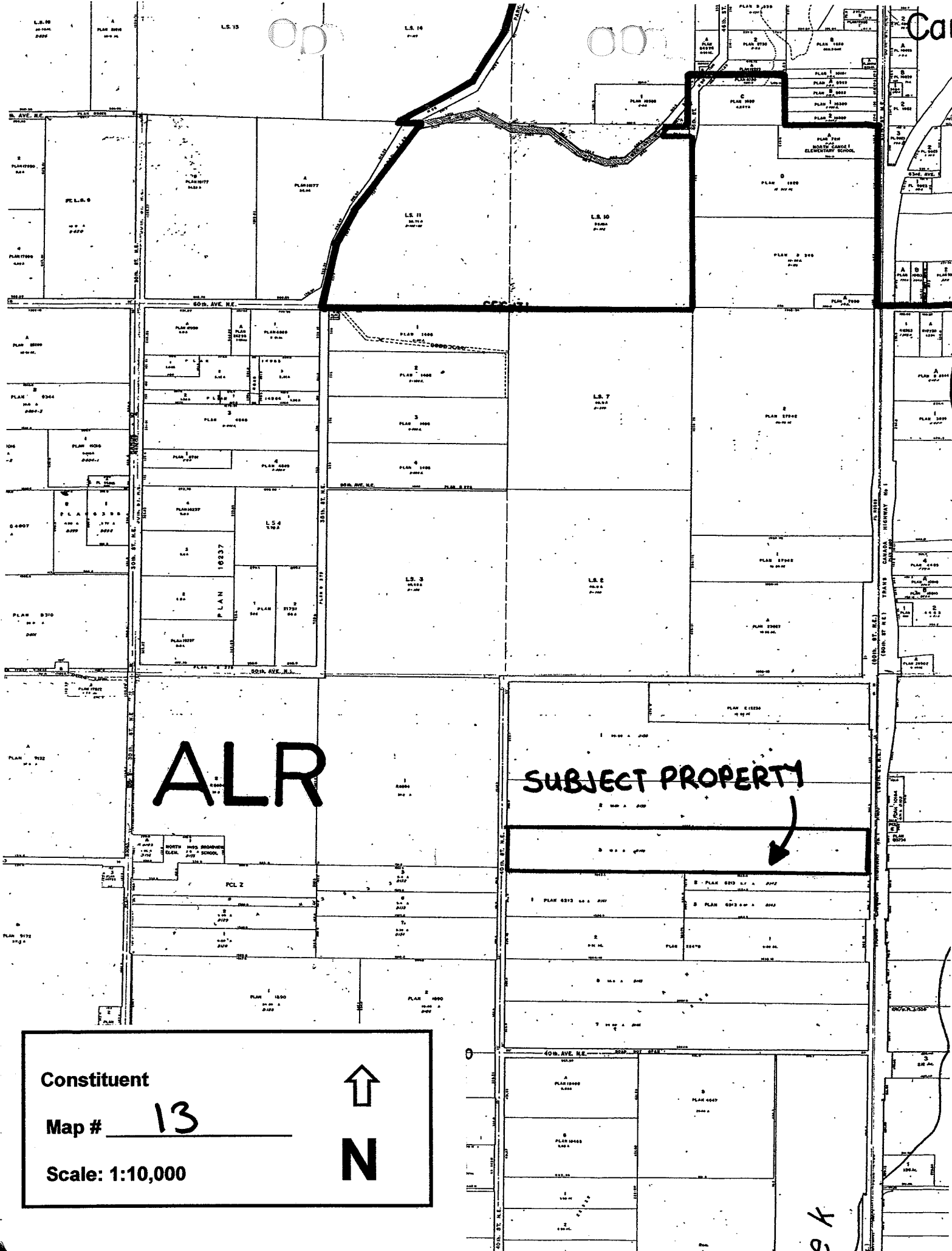
Signature

*E. Hart*

Date

*June 18/05*

Car



ALR

SUBJECT PROPERTY



Constituent  
 Map # 13  
 Scale: 1:10,000

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OK