



Agricultural Land Commission
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December 1, 2005

Reply to the attention of Simone Rivers

R.G. Holtby
670 – 17th Street SE
Salmon Arm, BC V1E 1W2

Dear Mr. Holtby:

**Re: Application #ZZ-36205-0
District Lot 138, Kamloops Division Yale District, Except 1) Part Shown on plan Attached to DD4331, 2) Part Shown on Plan Attached to DD26711, 3) Plans B47 and 9423**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your client's application to subdivide the above noted property into one 1.4 ha lot, three 4 ha lots and a 37.6 ha lot. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*.

The Commission wishes to thank you and Mr. Post for taking the time to meet with its representatives on November 23, 2005. The site visit was useful in helping understand all the parts of the proposal. The Commission noted that the property was well developed for agricultural use. As such, the Commission was not willing to increase the number of rural residential properties in this rural grazing setting. It also noted that the smaller lots surrounding the property were created prior to the creation of the Agricultural Land Reserve.

For these reasons, the Commission refused your application as proposed.

However, the Commission is willing to allow the subdivision of the 1.4 ha area located north of Petit Creek Road subject to:

- the subdivision being in substantial compliance with the attached plan.
- 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 Thompson-Nicola Regional District at your earliest convenience.

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.

R.G. Holtby – Dec. 1/05
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The decision noted above is recorded as Resolution #627/2005.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over the word 'per:'.

Erik Karlsen, Chair

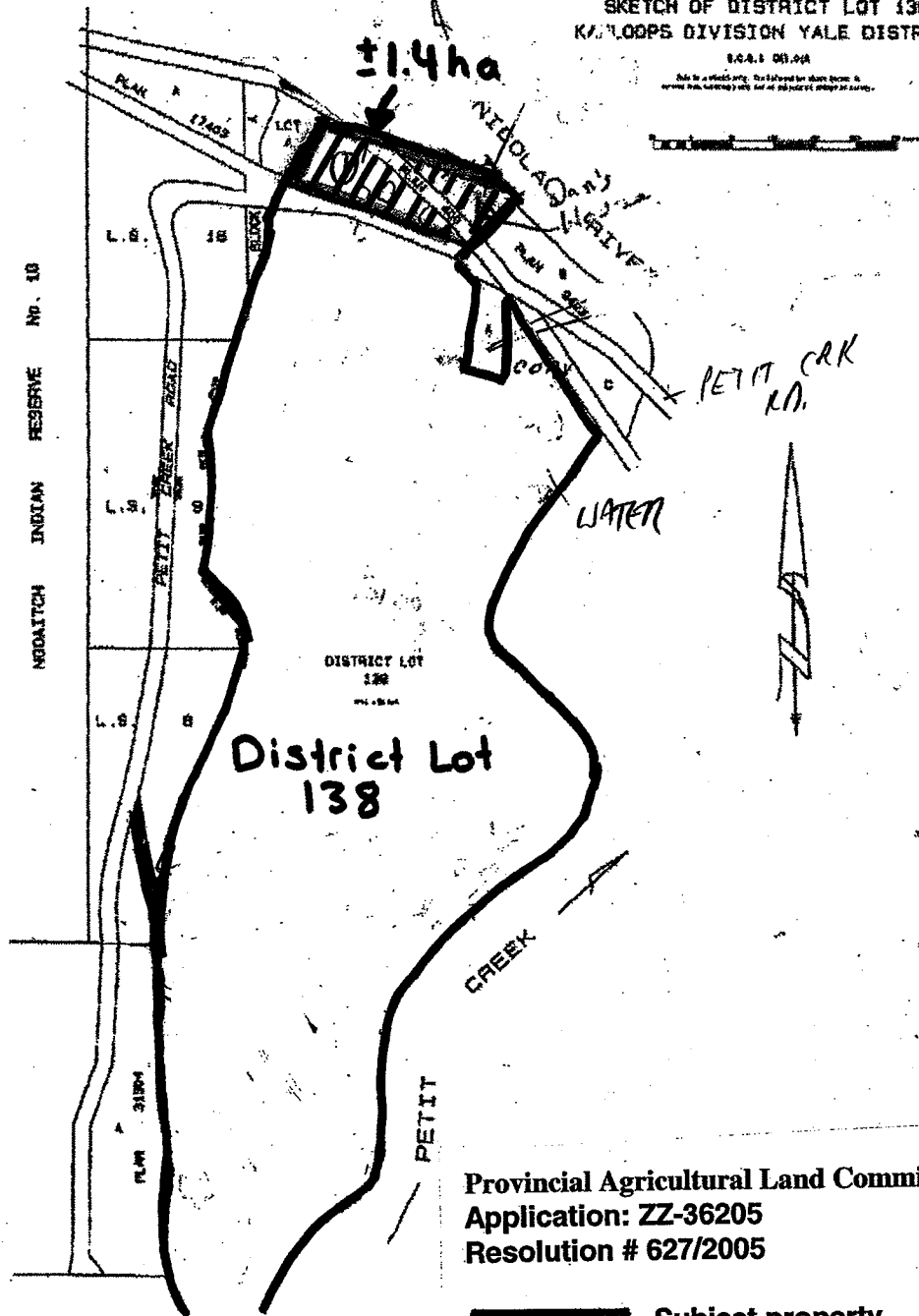
cc: Thompson-Nicola Regional District (File # ALR-N0-79)

SBR/lv/Encl.
36205d1

SKETCH OF DISTRICT LOT 136
KALLOOPS DIVISION YALE DISTRICT

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This is a sketch only. It is subject to change from the original plan, survey or map.



SFO - 30 yrs.

Provincial Agricultural Land Commission
Application: ZZ-36205
Resolution # 627/2005

 Subject property.

 1.4 ha area approved for subdivision.

THAT the staff report be received and the application to subdivide the 51 ha property described as District Lot 138, Kamloops Division Yale District, Except 1) Part shown on Plan attached to DD4331; 2) Part shown on plan attached to DD26711; 3) Plans B47 and 9423 be refused as proposed on the grounds that the property has good agricultural capability and that the subdivision will have a negative impact on the agricultural use of the property.

And THAT the Commission would allow the subdivision of the 1.4 ha area located to the north of Petit Creek Road as this parcel is separated from the main farm parcel and would have limited impact on the agricultural capability of the subject parcel.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



Staff Report
Application # ZZ – 36205 – 0
Applicant: Dirk, Darlene and Danny Post
Agent: R G Holtby

DATE RECEIVED: August 10, 2005

DATE PREPARED: October 5, 2005

TO: Chair and Commissioners – Interior Panel

FROM: Simone Rivers, Regional Research Officer

PROPOSAL: To subdivide the 51 ha property into one 1.4 ha lot, three 4 ha lots and a 37.6 ha lot.

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

BACKGROUND INFORMATION:

The agent for the applicant gives the following history for this property:

The property supports a backgrounding operation for about 300 head of cattle. A backgrounding operation is one in which the operator buys calves in the fall, feeds them over the winter on a steady growth ration, turns them out to pasture in the spring and then sells them in the fall or places them on a higher energy ration for finishing. This operation uses purchased hay and grain for the winter rations. Therefore, the only land-based activity is the pasturing. The applicants have a water license that allows them to draw from Spius Creek.

The applicants propose to subdivide the property as follows:

1. The creation of a 1.4 ha parcel north of Petit Creek Road. This area currently contains a mobile home and a small feedlot.
2. To subdivide a 4 ha lot adjacent to an existing smaller lot.
3. To subdivide two 4 ha lots from the southern end of the property. These lots will not require additional road access and would be sold.

Specific reasons for the subdivision request are not given. The agent assumes that water rights would be apportioned on an equitable basis with the land when sold.

The agent inspected the property and has concluded that the stones on the property represent too severe a restriction on the property to allow for the improved rating of Class 3 given to the property. It is his opinion that the stoniness of the property would limit the land to permanent forage crops and consequently it should be rated as Class 5. He notes that irrigation will improve the yield considerably but will not increase the rating. Currently the land is used for perennial pasture production with irrigation and it is the agent's opinion that this is the highest and best use of this property.

The agent believes that the proposal will be neutral to agriculture. He notes that the footprint of additional building sites will permanently affect the agricultural capability but notes that the existing parcel is an anomaly in the area and that the subdivided sites will conform to the nature of other holdings in the area.

Local Government:

Thompson-Nicola Regional District

Legal Description of Property:

PID: 006-909-990
District Lot 138, Kamloops Division Yale District, Except 1) Part Shown on Plan Attached to DD4331, 2) Part Shown on Plan Attached to DD26711, 3) Plans B47 and 9423

Purchase Date:

December 2002

Location of Property:

Petit Creek Road near Canford

Size of Property:

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

Present use of the Property:

One permanent residence and two mobile homes. The predominant land use is irrigated pasture.

Surrounding Land Uses:

WEST: Small holdings (ALR)
SOUTH: Spius Creek (ALR)
EAST: Spius Creek (ALR)
NORTH: Nicola River (ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 921/3
The majority of the property is identified as having mixed prime and secondary ratings.

Zoning Bylaw and Designation:

Thompson-Nicola Regional District Bylaw No. 940 designates the parcel as RL-1 (Rural)

RELEVANT APPLICATIONS:

Application #27920-0

Applicant: J. Keller
Decision Date: September 2, 1993
Proposal: To subdivide the 3.1 ha parcel to two 0.8 ha lots and one 1.5 ha lot.
Decision: Refused on the grounds that the property had agricultural potential which would be reduced if subdivided.

Application #28380-0

Applicant: B. & M. Wormell
Decision Date: January 12, 1994
Proposal: To subdivide the 8 ha property into one 2.6 ha lot and one 5.4 ha lot.
Decision: Refused because of concerns about limited options and raised expectations.
Allowed the subdivision subject to the consolidation of either of the lots with an adjoining property.

Application #28380-1

Applicant: B. & M. Wormell
Decision Date: January 20, 1995
Proposal: To subdivide the property as divided by Highway #8 to create one 2.6 ha lot and one 5.4 ha lot subject to the consolidation of either of the properties with a small nearby property (non adjoining) by way of covenant.
Decision: Refused as proposed on the grounds that the proposal is not supportive of agriculture. However, the Commission was prepared to allow the two lot subdivision subject to the consolidation of LS 13 with an adjoining property.

Application #29106-0

Applicant: Sue Kaybotoff and Judy-Sue Suzuki
Decision Date: November 14, 1994
Proposal: To subdivide the 16 ha property into two 8 ha lots
Decision: Refused as submitted, allowed temporary placement of a double wide mobile home.

Application #23700-0

Applicant: Michael A. Capp
Decision Date: September 27, 1989
Proposal: To subdivide 4 ha from a 20.2 ha property
Decision: Refused on the grounds that the Commission did not want to continually increase the number of residents in this rural grazing setting.

Application #23700-1

Applicant: Michael A. Capp
Decision Date: November 17, 1989
Proposal: To subdivide 4 ha from a 20.2 ha property
Decision: Allowed following a site inspection.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Thompson-Nicola Regional District: That the ALC include legal perimeter fencing as a condition of subdivision in areas which abut recognized grazing operations.

STAFF COMMENTS:

The original proposal consisted of the following: To subdivide from the subject parcel and to consolidate this area with Lot A (which already exists). However, in a subsequent request the applicants withdrew the offer to consolidate with the adjacent parcel and simply asked for the subdivision.

Staff recommend a site visit to evaluate the agricultural potential of the subject property.

END OF REPORT


Signature

Oct 12, 2005
Date