



**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

January 10, 2006

Reply to the attention of Brandy Ridout

Cliff and Fran Evans  
5450 13<sup>th</sup> Ave SW  
Salmon Arm, B.C. V1E 3B5

Dear Sir/Madam:

Re: **Application #H-23042**  
**The South ½ of the South ½ of the North ½ of the North East ¼, Section 8,**  
**Twp. 20, R. 10, W6M, KDYD; Except Plan KAP44521**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your request to subdivide the 5.9 ha property into a 2.2 ha lot and a 3.7 ha as divided by a steep bank, and to register a covenant against the title of the 3.7 ha agricultural remnant restricting the homesite to the westerly non arable area. The application was reconsidered pursuant to Section 33 of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank your agent Bob Holtby for taking the time to meet with its representatives on Thursday, December 8, 2005. The Commission found the meeting and site visit informative, particularly the opportunity to view the property's topographic challenges, and the site context.

The Commission writes to advise that it approved your subdivision subject to:

- the subdivision being in substantial compliance with the attached plan.
- the registration of a covenant against the title of the 3.7 ha lot restricting the construction of a residence to the area noted on the attached map
- 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 # **685/2005**.

Please send two (2) paper prints and of the final survey plans and a covenant (as noted above) to this office well in advance of commencing registration at the Land Titles Office. When the Commission confirms that the subdivision plan and covenant are acceptable it will authorize the Registrar of Land Titles to accept the application for deposit of the plan.

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Please quote your application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

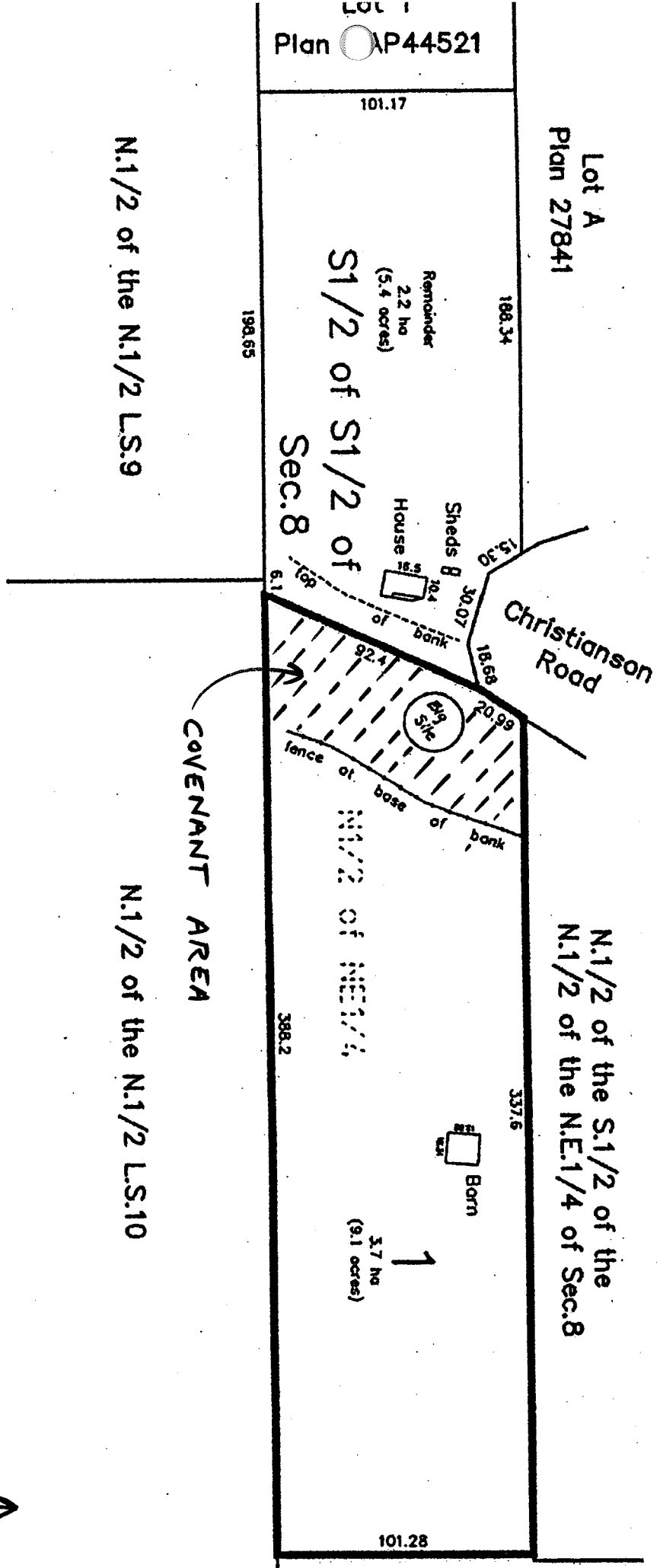
Per:

Erik Karlsen, Chair

cc: City of Salmon Arm (#A.500.02.192)  
B. Holtby, Regency Consultants, 670 17<sup>th</sup> St. SE, Salmon Arm, B.C. V1E 1W2

MC/lv/Encl./23042d4

# Figure 1: Sketch Plan of Proposed Subdivision



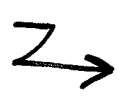
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N.1/2 of the N.1/2 L.S.10

Provincial Agricultural Land Commission  
 Application: H- 23042  
 Resolution #685/2005



Location of homestead



**MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION**

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on Thursday, December 8, 2005 at the home of Commissioner McCoubrey, located in Lake Country.

**PRESENT:** Sue Irvine Chair  
Sharon McCoubrey Commissioner

**ABSENT:** Sid Sidhu Commissioner

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

**For Consideration**

Brandy Ridout presented the staff report dated December 1, 2005 regarding the reconsideration of application #H- 23042. The original application allowed the two lot subdivision of the 6 ha property as divided by a topographic break, subject to the consolidation of the 3.7 ha lowland area with an adjoining property. The landowners are requesting that the 3.7 ha be permitted as a separate parcel, subject to the registration of a covenant restricting the location of the homesite to the non arable area. In addition the adjoining landowners submitted letters indicating they are not interested in purchasing any portion of the 3.7 ha area.

**Site Inspection**

A site inspection was conducted on Thursday, December 8, 2005. Those in attendance were:

- Commissioners Irvine & McCoubrey
- Agricultural Land Commission Staff: Brandy Ridout, Regional Research Officer and Martin Collins, Planner
- Bob Holtby, agent

The Commissioners viewed the property, noting that the access from the existing home to the lowland field area was hindered by a very steep slope. Bob Holtby confirmed that a steep narrow trail presently is the only access between the home and the lowland field area.

The site inspection lasted from 8:30 a.m. to 9:00 a.m.

**Commission Discussion**

The Commission considered what persons were affected by the reconsideration.

The Commission had no objection to the proposed subdivision because the property could not be operated as a single unit due to the severe topographic break between the existing home and the arable field area. The Commission concurred that the upland 2 ha area have minimal agricultural capability. The Commission believed that a covenant, restricting the homesite to the westerly (non arable) edge of the 3.7 ha lot would ensure that the maximum amount of good capability land was retained for agricultural purposes.

**IT WAS**

**MOVED BY:** Commissioner S. Irvine

**SECONDED BY:** Commissioner S. McCoubrey

THAT there no persons affected by the reconsideration, and;

That the request to subdivide the 5.9 ha property into two lots (2.2 ha and 3.7 ha) be allowed on the grounds a steep escarpment makes it difficult to operate the property as a single agricultural unit. The decision is subject to the registration of a covenant restricting the location of the homesite to the poor capability agricultural land at the base of the slope on the western edge of the property.

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

CARRIED



**Staff Report**  
**Reconsideration of Application # H – 23042**  
**Landowner: Cliff and Fran Evans**  
**Agent: R. G. Holtby**  
**Location: City of Salmon Arm – west of the Salmon River**

**DATE PREPARED:** December 1, 2005

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

**FROM:** Brandy Ridout, Regional Research Officer

**PROPOSAL:** To subdivide the 5.9 ha property into a 2.2 ha lot and a 3.7 ha lot, as divided by a steep escarpment. The applicant has offered to register a covenant against the 3.7 ha lot restricting the siting of the home away up against the bank, and away from the lowland area.

This application is being considered pursuant to section 33 of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

The Commission allowed the proposed subdivision configuration in the past (see below for details) but with a requirement for consolidation of the 3.7 ha area with an adjoining property (to provide a net benefit for agriculture).

**Local Government:**

City of Salmon Arm

**Legal Description of Property:**

Part of the South ½ of the South ½ of the North ½ of the North East ¼, Section 8, Twp 20, Range 10, W6M, KDYD; Except Plan KAP 44521

**Location of Property:**

50th St S.W. Salmon Arm

**Size of Property:**

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

**Present use of the Property:**

Small holding with a home on the upland portion, and field on the easterly lowland area.

### Surrounding Land Uses:

**WEST:** 2 ha lot in the ALR (subdivided in 1990)  
**SOUTH:** 4 ha lot within the ALR  
**EAST:** Large lowland farm parcel in the ALR  
**NORTH:** 3 ha property in the ALR

### Agricultural Capability:

Data Source: Agricultural Capability Map # 82 L/11  
The majority of the property is identified as having prime dominant ratings. Bob Holtby, P. Ag (the agent) does not agree with the CLI classification on the 2.5 ha upland portion; rated at 7:4TM 3:6T, suggesting it has no agricultural capability due to steep slopes and rock outcroppings. The agent does agree with the CLI capability rating for lowland portion of the property 7:3MW – 3:4TW. However, he does not believe the improved ratings (7:2X 3:4) apply because there is no irrigation license available (the entire Salmon River watershed if fully recorded).

### Official Community Plan and Designation:

The OCP designates the land for "Agriculture"

### Zoning Bylaw and Designation:

A 2 which permits a minimum lot size of 4 ha. Rezoning would be required should the subdivision be approved.

### PREVIOUS APPLICATIONS:

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#### Application #23042-0

**Applicant:** Fawkes, Audrey  
**Decision Date:** April 05, 1989  
**Proposal:** To subdivide a 2 ha lot from the 8 ha property for a new homesite.  
**Decision:** The Commission allowed the subdivision of the 2 ha lot from the 8 ha property subject to the consolidation of the 6 ha remnant with an adjoining property.

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#### Application #23042-1

**Applicant:** Fawkes, Audrey  
**Decision Date:** June 26, 1989  
**Proposal:** To subdivide the 8 ha property into three lots; 2 ha, 2.3 ha and 3.7 ha.  
**Decision:** The Commission allowed the subdivision as proposed, subject to the consolidation of the 3.7 ha lowland area with an adjoining property.

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#### Application #23042-2

**Applicant:** Fawkes, Audrey  
**Decision Date:** July 06, 1990  
**Proposal:** To subdivide a 2 ha lot from the 8 ha property as divided by a cliff.  
**Decision:** The Commission allowed the proposed subdivision without the necessity of consolidating the remainder with an adjoining property. **The subdivision was finalized. The remainder is the subject of the reconsideration request.**

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**RELEVANT APPLICATIONS:**

**Application #03282-0**

**Applicant:** Folsom, RM & GH

**Decision Date:** 1976

**Proposal:** To subdivide 6.5 ha property into two lots as severed by the embankment

**Decision:** Allow as proposed.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

The City of Salmon Arm has not been referred the proposed subdivision. However, as a rule the City Council does not comment on subdivision proposals.

**STAFF COMMENTS:**

Staff suggests that the Commission consider the following;

- The field area is divided from the home by a very steep bank, making access from the home to the field area very difficult.
- The 3.7 ha remnant would be similar in size to adjoining properties to the north and south.
- The landowners are offering to register a covenant against the title of the new lot, restricting the home location to the non productive area at the base of the bank.
- The Commission has attempted, in years past to achieve consolidation of the remainder with an adjoining property. This has proved to be in vain, as there is very little value associated with raw land, and there must be a willing purchaser. Letters from adjoining landowners are included in the report outlining the reconsideration request, indicating they are not interested in purchasing any portion of the 3.7 ha area.

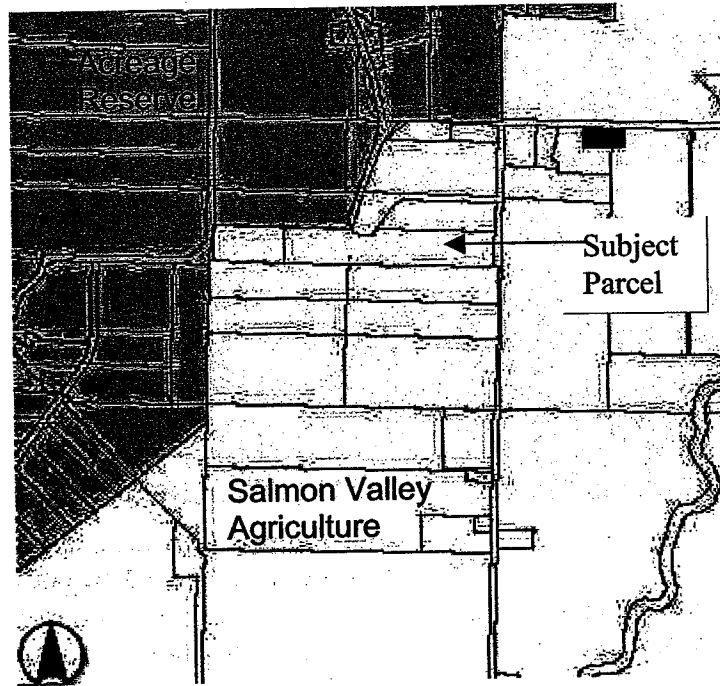
**END OF REPORT**

  
Signature

  
Date



**Figure 5: Official Community Plan Designation for Area**



**Figure 1: Sketch Plan of Proposed Subdivision**

