



**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 30, 2006

Reply to the attention of Brandy Ridout  
ALC File #H-36339

Gary & Glenda Mosher  
PO Box 123 - 2178 Blackman Road  
Sorrento, BC V0E 2W0

Dear Mr. and Mrs. Mosher:

**Re: Application to subdivide in the Agriculture Land Reserve**

Please find attached the Minutes of Resolution #17/2006 outlining the Commission's decision as it relates to the above noted application.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Columbia Shuswap Regional District - LC2322-C

BR/lv/Encl.: Minutes  
Sketch Plan

36339d1

## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on January 19, 2006 at the Ministry of Agriculture and Lands office located at 4607 - 23<sup>rd</sup> Street, Vernon, BC.

<b>PRESENT:</b>	Sue Irvine	Chair, Okanagan Panel
	Sharon McCoubrey	Commissioner
	Sid Sidhu	Commissioner
	Brandy Ridout	Staff
	Martin Collins	Staff

### For Consideration

Application # H-36339  
Applicant(s) Gary & Glenda Mosher  
Proposal To subdivide a 3.2 ha lot from the 32 ha subject property to provide a buffer between the ranch and the adjoining rural residential properties. As a benefit for agriculture, the applicants are willing to consolidate (by covenant or survey) the 24 ha agricultural remnant with two adjoining 16 ha properties to the north that they also own (LS 3 and LS 4). These lands are used by the ranch for grazing and pasture (and also lie within the ALR), but have no legal road access.  
Legal PID: 001-913-999  
Location Lot B, Section 1, Township 22, Range 11, W6M, KDYD, Plan 21828  
2178 Blackman Road, Notch Hill area, Electoral Area C

### Site Inspection

A site inspection was conducted on January 19, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey, and Sid Sidhu
- Staff: Brandy Ridout and Martin Collins
- Applicants: Gary & Glenda Mosher

Mr. and Mrs. Mosher confirmed that they received the staff report dated December 30, 2005. An error in the area of the lot requested for subdivision was identified. The applicants are requesting the subdivision of a 3.2 ha lot (8 acres), not an 8 ha lot.

The applicants provided a letter from a dairy farmer in the Notch Hill area with regard to the land west of the driveway on the property. In the farmer's opinion, the land is not good for cultivating as it contains in limited by the presence of large rocks and gravel.

The presence of rocky soils on a portion of the property, the location of smaller mainly residential lots in the area, the proposed consolidation of the two parcels to the north of the subject property, and the proposed lot layout were discussed during the site visit.

## 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.

The Act provides processes for landowners, local governments and First Nation governments to apply to the Commission to include land into the ALR, remove land from the ALR, subdivide land in the ALR and use land in the ALR for non-farm purposes. The Commission decides applications with the objective of ensuring that lands suitable for agriculture are retained in the ALR and that non-farm development of ALR land is restricted.

## 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 improved agricultural capability ratings for the majority of the property are identified as 50% Class 3TM, 30% Class 2T, and 20% Class 5TP.

### Class

- 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.
- 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.
- 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

### Subclass

- M soil moisture deficiency
- P stoniness
- T topography

### **Assessment of Agricultural Suitability**

The Commission then 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 several small lots, ranging in size from 0.6 to 6 ha, border the property and are used mainly for residential purposes. The applicants believe that the existence of these lots and the activities that take place on them negatively impact the ranching operation. The applicant's have proposed the 3.2 ha lot to act as a buffer between the small lots and the larger farm unit.

The Commission believes that while external factors do present challenges to the use of this property, they do not make the property unsuitable 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. It noted that the proposed 3.2 ha lot could potentially contribute to the urban/rural conflict in that it would place another residence in the area. However, the location of the proposed lot would allow its impact on surrounding agriculture to be minimised.

The Commission believes the proposal would only minimally impact existing or potential agricultural use of surrounding lands.

### **Assessment of Other Factors**

The Commission assessed the proposed consolidation of the two 16 ha lots with the subject property. As this would result in the creation of a 65 ha ranching property, the Commission believed the proposal would provide a significant benefit to agriculture.

### **Conclusions**

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. Regardless of the above, the Commission believed that the creation of a 65 ha ranching unit far outweighed the perceived impacts that may result from the creation of 3.2 ha lot. The Commission was also satisfied that the 3.2 ha lot could function as a standalone rural agricultural holding.

### **IT WAS**

**MOVED BY:** Commissioner McCoubrey

**SECONDED BY:** Commissioner Sidhu

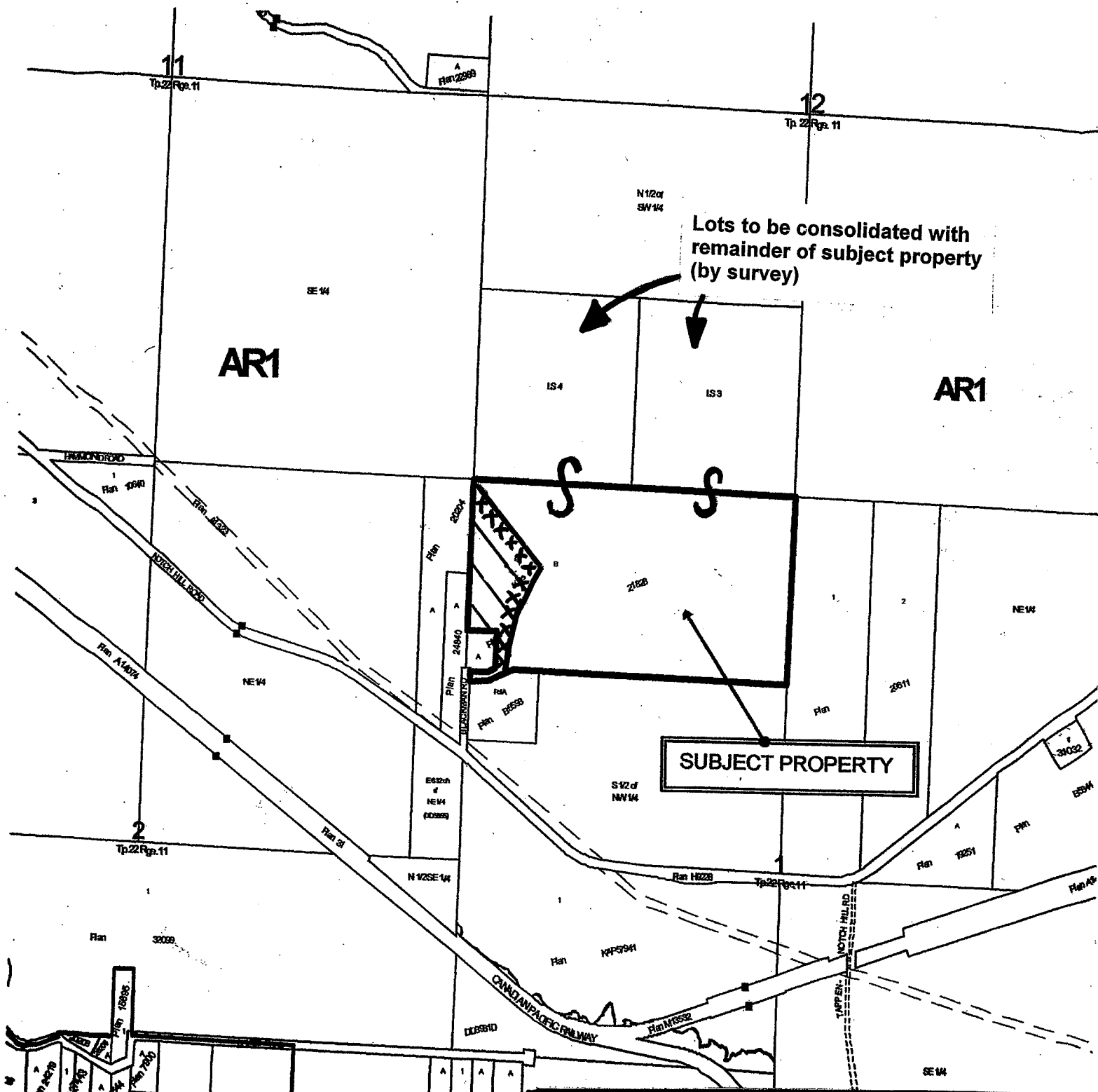
THAT the application be approved

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application,
- the consolidation by legal survey of Legal Subdivision 3 and 4, Section 12, Township 22, Range 11, W6M, Kamloops Division Yale District with the remainder of the subject property, and
- the construction of a fence around the new 3.2 ha lot for the purpose of limiting its impact on the remaining farm unit. Fencing plans should be submitted to the Commission for approval.

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 #17/2006**




Lots to be consolidated with remainder of subject property (by survey)


AR1

AR1

SUBJECT PROPERTY

**Provincial Agricultural Land Commission**  
**Application #H-36339**  
**Resolution #17/2006**

 3.2 ha area approved for subdivision in the ALR

 Location of fencing

RR4

W1/2LS2

E1/2LS2

RacLS1

- Plan 20988
- Plan 20330
- Plan 21046
- Plan 23074



**Staff Report**  
**Application # H – 36339**  
**Applicant: Gary & Glenda Mosher**  
**Location: Notch Hill**

**DATE RECEIVED:** November 22, 2005

**DATE PREPARED:** December 30, 2005

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

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

**PROPOSAL:** To subdivide an 8 ha lot from the 32 ha subject property to provide a buffer between the ranch and the adjoining rural residential properties. As a benefit for agriculture, the applicants are willing to consolidate (by covenant or survey) the 24 ha agricultural remnant with two adjoining 16 ha properties to the north that they also own (LS 3 and LS 4). These lands are used by the ranch for grazing and pasture (and also lie within the ALR), but have no legal road access.

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

**BACKGROUND INFORMATION:**

The applicants are Purebred Angus cattle breeders. Several rural residential lots adjoin their property, most with more than one home. They are concerned about trespass by children, pets and livestock onto their property. They believe that an 8 ha lot would provide a suitable buffer between the residences and their ranch operation.

The offer to consolidate the two adjoining 16 ha lots with the remnant provides a net decrease in the number of lots, and creates a larger, more suitable 56 ha ranch property.

**Local Government:**

Columbia Shuswap Regional District

**Legal Description of Property:**

PID: 001-913-999  
Lot B, Section 1, Township 22, Range 11, W6M, KDYD, Plan 21828

**Purchase Date:**

April 2000

**Location of Property:**

2178 Blackman Road, Notch Hill area, Electoral Area C

**BACKGROUND INFORMATION (continued):**

**Size of Property:**

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

**Present use of the Property:**

Red Angus Cattle Breeding operation, with a permanent dwelling and a mobile home (also two shops and three barns).

**Surrounding Land Uses:**

**WEST:** Several rural residential parcels ranging from 2-8 ha.  
**SOUTH:** 32 ha parcel in the ALR, used for pasture  
**EAST:** A mix of parcels in the ALR ranging from 4 ha to 16 ha.  
**NORTH:** Two 16 ha lots also owned by the applicants and used as grazing land for the ra

**Agricultural Capability:**

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

**Official Community Plan and Designation:**

South Shuswap OCP Bylaw No. 700  
Designation: A1 Agriculture

**Zoning Bylaw and Designation:**

South Shuswap Zoning Bylaw No. 701  
Designation AR1 Agriculture Zone  
Minimum lot size: 20 ha

**PREVIOUS APPLICATIONS:**

**Application #75-1235-0**

**Applicant:** Harry G. Smith  
**Decision Date:** December 18, 1975  
**Proposal:** To subdivide a 0.4 ha area from the 32 ha property and consolidate it with an adjoining 2 ha lot.  
**Decision:** Refused.

**RELEVANT APPLICATIONS:**

**Application #24647-0**

**Applicant:** Keith Walters  
**Decision Date:** December 18, 1990  
**Proposal:** To subdivide four 0.5 ha lots from the 61 ha property encompassing the existing homes.  
**Decision:** Refused on the grounds of intrusion.



**RELEVANT APPLICATIONS (continued):**

**Application #19446-0**

**Applicant:** Hildegard Smolne  
**Decision Date:** November 2, 1987  
**Proposal:** To subdivide the 64 ha property into two 32 ha lots.  
**Decision:** Allowed based on the recommendation of the BC Federation of Agriculture farm advisor and the District Agriculturist.

**Application #36050-0**

**Applicant:** J Arens Inc  
**Decision Date:** July 22, 2005  
**Proposal:** To subdivide a 2 ha lot from the southeast corner of the 44 ha property.  
**Decision:** Refused - because of concerns about impact. Though topographically challenged, the subject area was forested and used by cattle for loafing in hot weather.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**The Columbia Shuswap Regional District:** Forwarded the application with a recommendation of support, subject to the consolidation of the adjoining 16 ha lots with the 24 ha remnant.

**STAFF COMMENTS:**

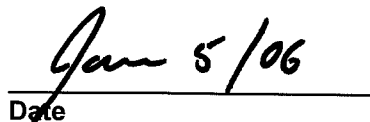
Staff suggests the Commission consider the following:

- The proposed consolidation represents a benefit for agriculture, in that it eliminates the potential for two rural homesites north of the subject property.
- The proposed new lot encompasses the existing permanent dwelling, leaving the mobile home and barns with the remainder. It is possible that a new permanent dwelling will be constructed on the remainder that would impact its agricultural capacity (though this loss would be minor).
- The proposed new lot also removes improved pasture from the remnant, reducing its agricultural potential.
- It is possible that an 8 ha lot would also come under pressure to subdivide, increasing the negative impact of rural residential intrusion.

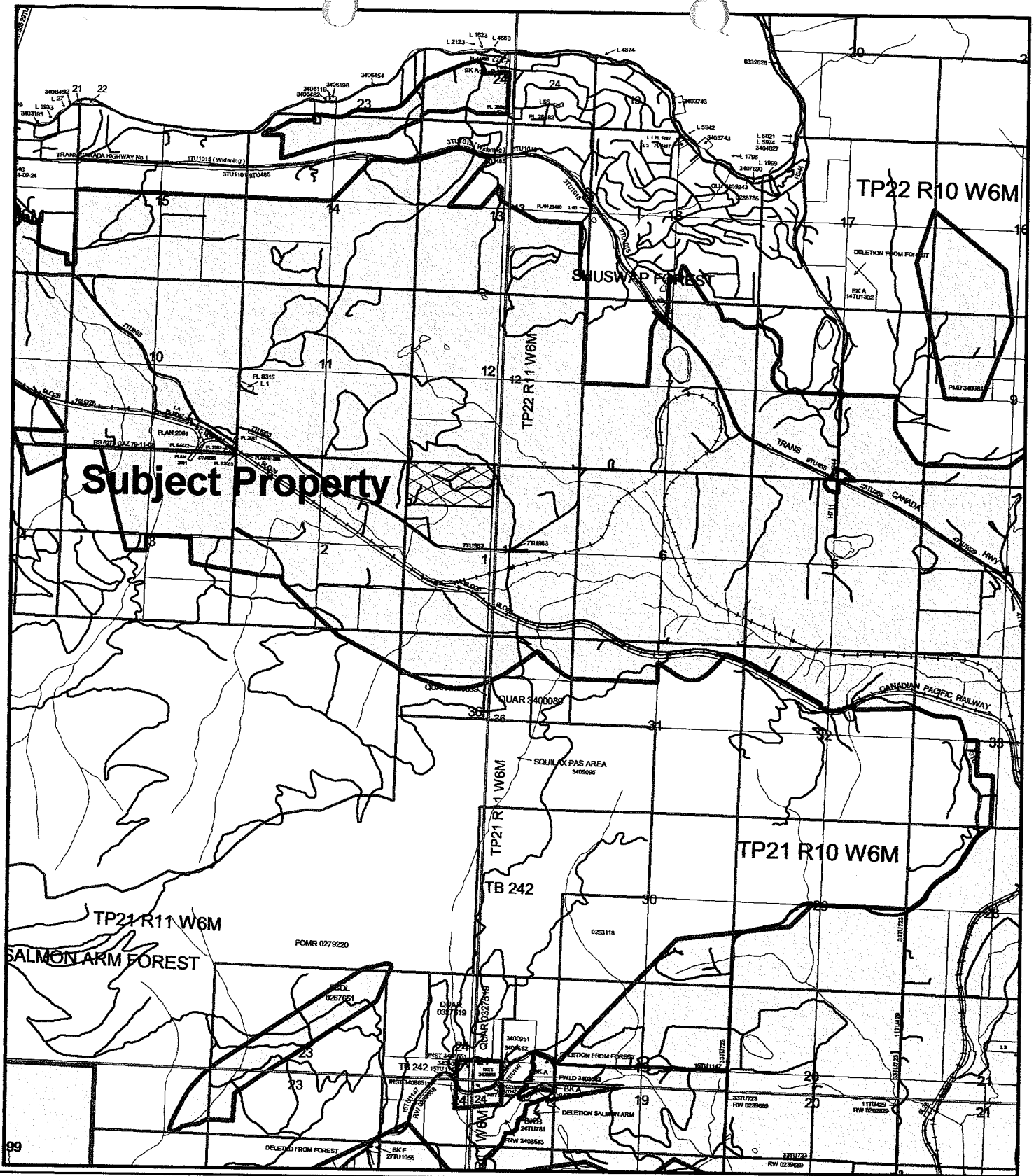
END OF REPORT



Signature



Date



**Subject Property**



**ALC CONTEXT MAP**  
Application # 36339

Map Scale: 1 : 50000

ALC File #: 21-05-36339

BCGS Map Sheet #: 82L/14

Regional District: Columbia Shuswap