



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604-660-7000  
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www.alc.gov.bc.ca

December 21, 2006

Reply to the attention of Brandy Ridout  
ALC File: #H - 36386

McMurdo Consulting  
c/o Tom Coughlen – PO Box 2441  
Golden, BC V0A 1H0

Dear Mr. Coughlin:

**Re: Application to subdivide within the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 656/2006 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

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. It will also confirm for the Registrar the area excluded from the ALR.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

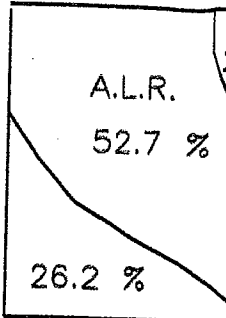
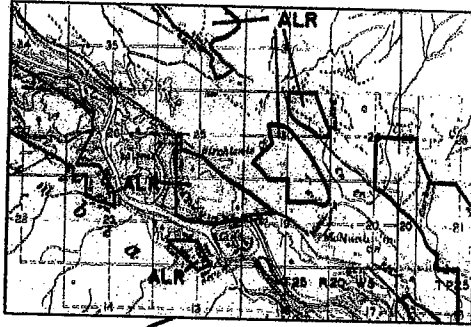
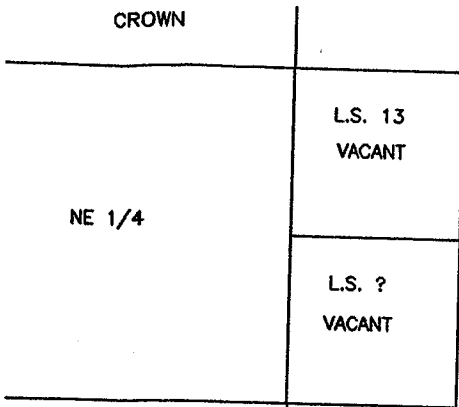
Erik Karsen, Chair

cc: Columbia Shuswap Regional District (#LC2325-A)

MC/lv/Encl.: Minutes/Sketch Plan  
36386d1

APPLICATION # H-36386

RESOLUTION # 656/2006



Brichlands Creek

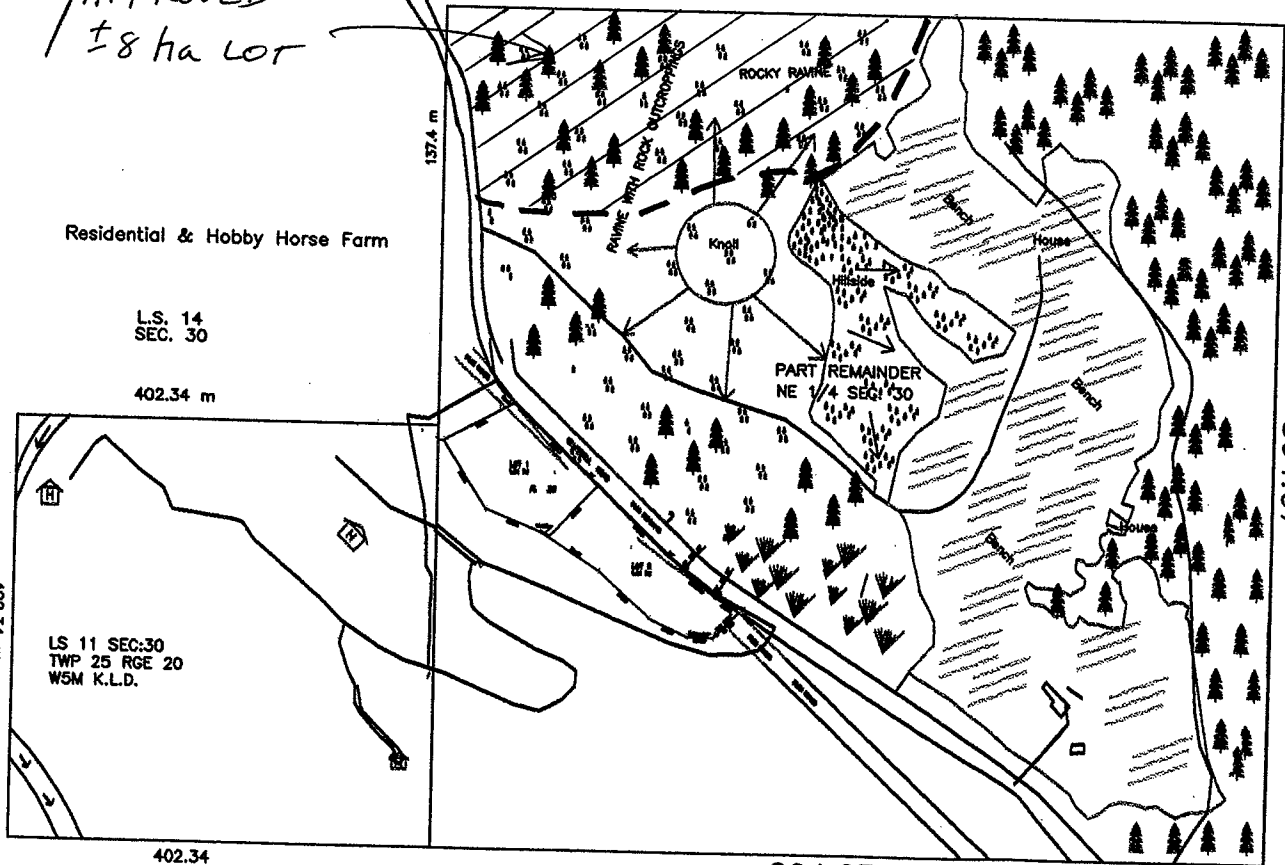
RESID LOTS & AGRICULTURE

APPROVED  
± 8 ha LOT

Present Configuration

Area Allotment

- 33 acres adjacent to the Eastern boundary
- Fields of pasture Approx 35 Acres
- 20 yr old second growth Approx 7 acres
- Mature mix forest
- Slough grass wetness
- 20 yr old second growth
- Balance of land West of 20 yr old and the Field Approx 42 acres
- Land lying to the south of Campbell Road Approx 37 Acres



Residential & Hobby Horse Farm

L.S. 14  
SEC. 30

402.34 m

LS 11 SEC:30  
TWP 25 RGE 20  
WSM K.L.D.

402.34

804.67

804.67



The Act provides processes for landowners, local governments and First Nations to apply to the Commission to remove land from the ALR, subdivide land, or to use land in the ALR for non-farm purposes.

## **Discussion**

### **Assessment of Agricultural Capability**

In assessing agricultural capability, the Commission confirmed that the majority of the area of the 60 ha property proposed for subdivision had capability for agricultural use. However, the land had not been developed for agriculture.

### **Assessment of Agricultural Suitability**

The Commission next 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 does not believe there are external factors that render the land 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. The Commission was concerned that the subdivision of the parcel, as proposed, would effectively eliminate the agricultural capability of the northern portion of the property, and increase pressure to subdivide the remainder of the property into recreational residential properties.

### **Assessment of Other Factors**

The Commission noted that there were large areas lying outside the Agricultural Land Reserve that could be subdivided for rural residential uses, and that there was no planning or zoning bylaw in this region.

The Commission was prepared to allow a single 8 ha lot from the northerly portion of the property, because a lot of that size could be used for agricultural purposes.

## **Conclusions**

The Commission considered what persons were affected by the reconsideration of the application, and;

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. That the proposal will negatively affect the potential for agriculture to be developed on the property.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

**IT WAS**

**MOVED BY:** Commissioner S. Irvine

**SECONDED BY:** Commissioner S. McCoubrey

That there were no persons affected by the reconsideration; and

THAT the request to subdivide five (5) lots ranging in size from 1.2 to 4.2 ha be refused, but that permission be granted to subdivide a single 8 ha lot from the property as noted on the attached map.

AND THAT the approval is granted to the applicant only and is valid for three (3) years from the date of this decision.

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 # 656/2006**



**Staff Report**  
**Reconsideration of Application # H – 36386**  
**Applicant: Verena & Nelli Tobler**

**Agent: McMurdo Consulting**

**DATE RECEIVED:** Reconsideration request received on Oct. 16, 2006

**DATE PREPARED:** December 7, 2006

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

**FROM:** Brandy Ridout, Land Use Planner

**PROPOSAL:** To subdivide five lots ranging in size from 1.2 ha to 4.2 ha from the 60 ha property (only about 32 ha lies within the ALR). The 1.2 ha lot encompasses the existing homesite.

The original proposal was for eleven lots ranging in size from 0.85 ha and 2.5 ha. The Commission refused this proposal because the small lot subdivision would eliminate the agricultural potential of the property.

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

**BACKGROUND INFORMATION:**

The Commission refused the original eleven lot small lot subdivision because it would eliminate the agricultural potential of the property. However, it was prepared to consider a revised proposal for lot sizes that were in keeping with parcel sizes in the region, and retained the agricultural potential of the land.

**Local Government:** Columbia Shuswap Regional District

**Legal Description of Property:**

PID: 016-530-870  
North East 1/4, Section 30, Township 25, Range 20, W5M, Kootenay District, EXCEPT Plans NEP64113 and NEP72158;

**Location of Property:**

2311 and 2379 Campbell Road, south of Golden and east of Highway #97 at McMurdo station

**Size of Property:**

60 ha (about 32 ha lies within the ALR).

**Present use of the Property:**

Three dwellings, barns, large hayfield, balance forested.

**Surrounding Land Uses:**

**WEST:** rural residential and hobby farms out of ALR  
**SOUTH:** Large hayfields in ALR , Campbell road, out of ALR  
**EAST:** Rural residential and Crown forest land outside ALR  
**NORTH:** Crown forest land out of ALR

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82N/2  
The majority of the property is identified as having secondary ratings.

**Official Community Plan and Zoning Designation:**

No OCP or zoning exists in this area

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

The Regional District originally forwarded the application with a recommendation of support, and also recommended that the property be considered for exclusion from the ALR.

**STAFF COMMENTS:**

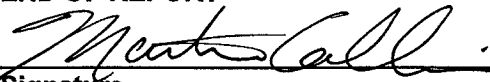
Staff suggests that the Commission consider the following.


- An ALR boundary fine tuning exercise in 1982 retained this parcel within the ALR.
- The parcel is surrounded on all sides by non ALR lands, is partially forested and partially in pasture. Secondary soils and a severe climate restrict agricultural potential, though are typical for the Columbia Valley. Livestock and forage crops are the most likely agriculture to occur.
- The site visit in May 26 revealed that portions of the undeveloped areas of the property land could probably be developed for agriculture, but that agriculture was not a significant activity in the region.
- The Commission's decision to refuse the original proposal was out of concern that the parcel sizes were so small as to preclude agricultural development.
- The proposed parcel sizes, though larger than previously considered, are not likely to encourage agricultural activity. Furthermore the subdivision of a 1.2 ha lot encompassing the homesite is not supportive of agriculture because it lies within the agriculturally developed portion of the property.
- Staff recommends that the Commission refuse the revised proposal but give consideration to allowing the subdivision of two 8 ha lots from the northern portion of the parcel on the grounds an 8 ha lot is more likely to be developed for hobby farm purposes than a 3-4 ha lot.

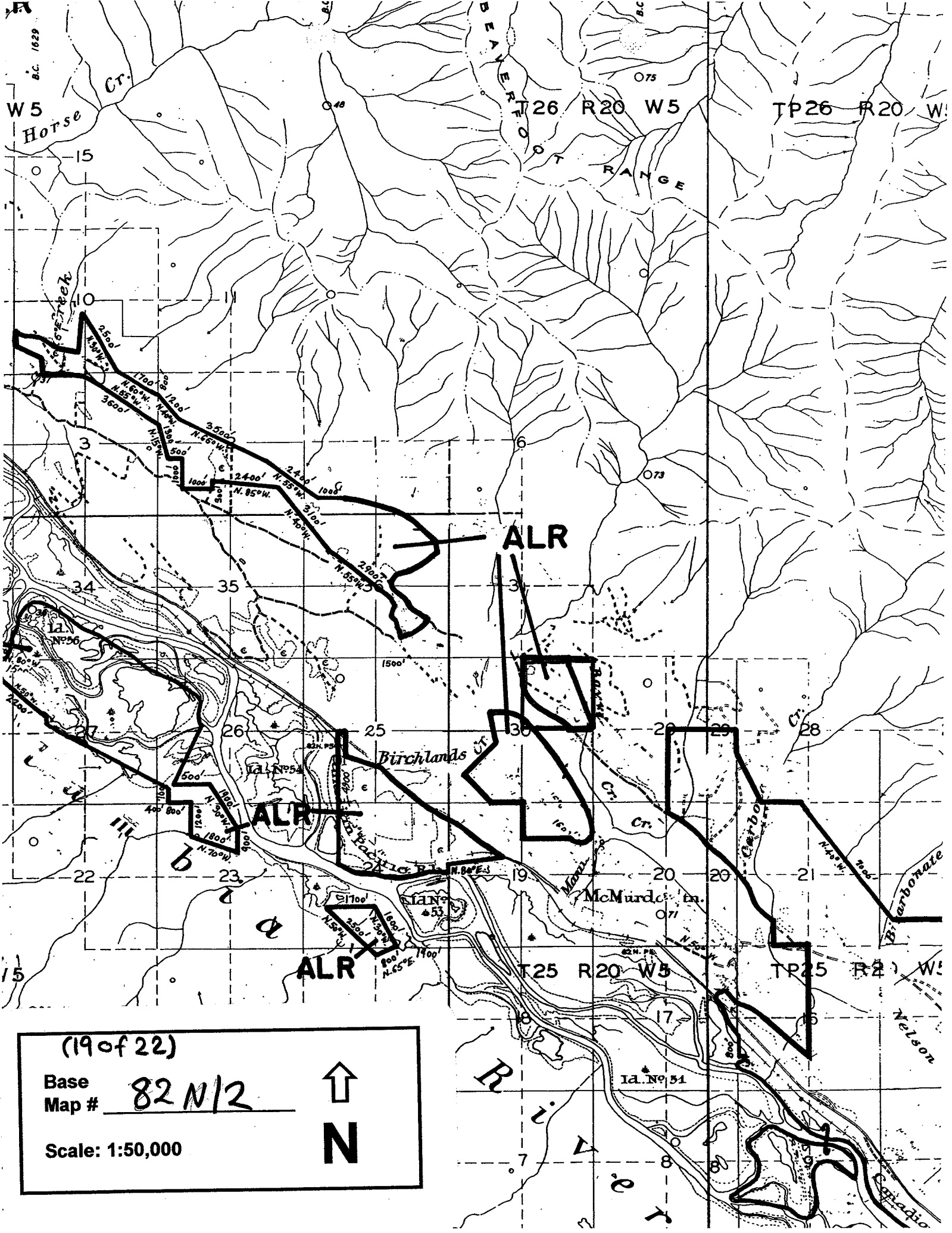
**ATTACHMENTS:**

- ALR map, and Applicant's draft sketch.

END OF REPORT

  
Signature

  
Date



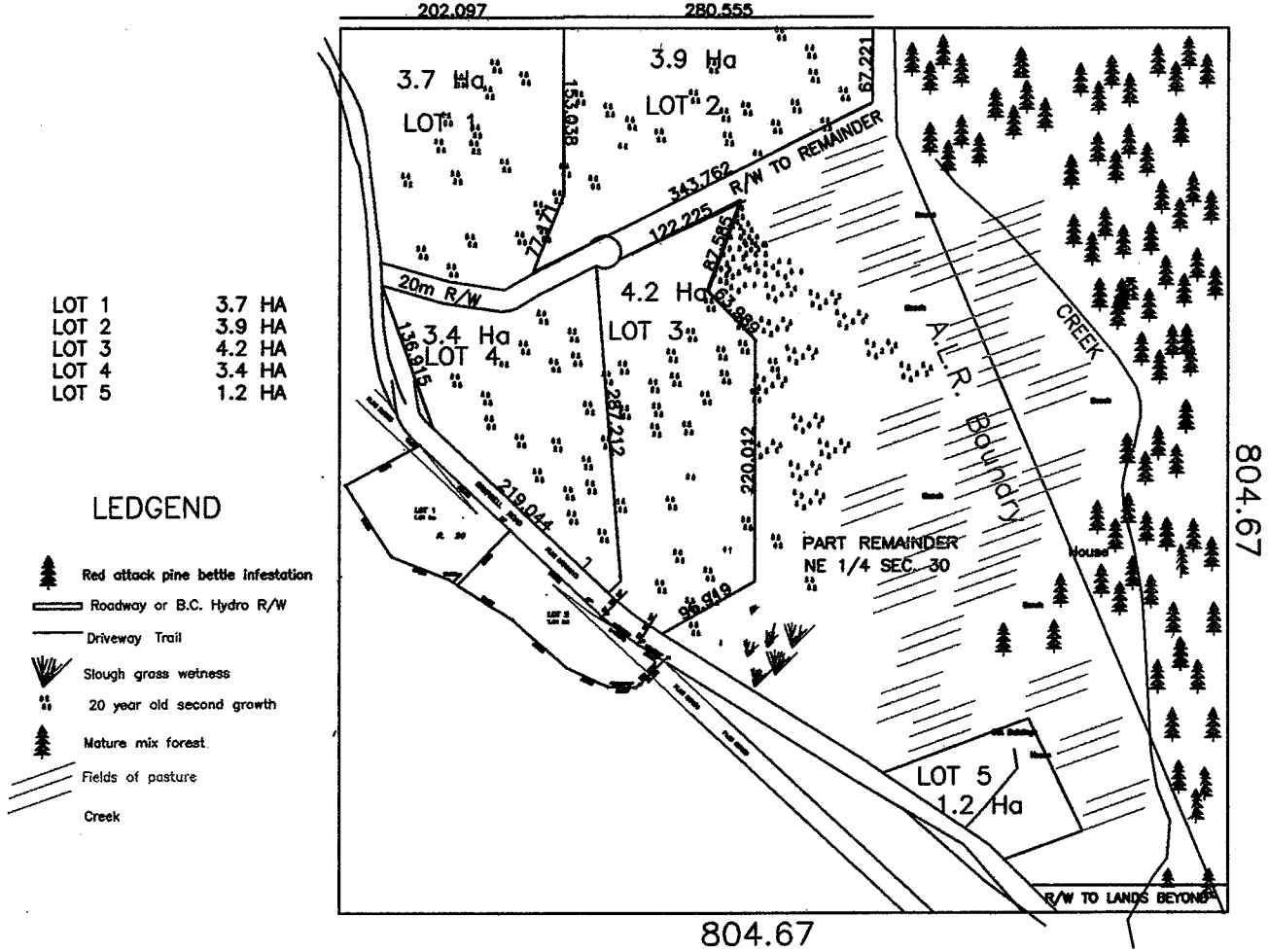
(19 of 22)  
Base Map # 82 N/2 ↑  
Scale: 1:50,000 N



PID: 016-530-870 THE NORTH EAST QUARTER OF SECTION 30 TOWNSHIP 25  
 RANGE 20 WEST OF THE 5TH MERIDIAN KOOTENAY DISTRICT EXCEPT PLANS  
 NEP64113 AND NEP72158

FILE # H- 36386

Revised Proposed Configuration



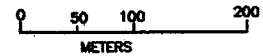
LOT 1	3.7 HA
LOT 2	3.9 HA
LOT 3	4.2 HA
LOT 4	3.4 HA
LOT 5	1.2 HA

LEDGEND

- Red attack pine beetle infestation
- Roadway or B.C. Hydro R/W
- Driveway Trail
- Slough grass wetness
- 20 year old second growth
- Mature mix forest.
- Fields of pasture
- Creek

Registered Owners In Fee Simple

Nelli Tobler	October,	2006
Verena Tobler	October,	2006



Drawn By: T. Coughlin October 10, 2006