



Agricultural Land Commission
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March 23, 2006

Reply to the attention of Simone Rivers

Claus and Christa Neels
4278 Sunshine Valley Road West
Merritt, BC V1K 1N8

Dear Mr. and Mrs. Neels:

**Re: Application #ZZ- 36398 (Subdivision within the ALR) AND
Application # ZZ-36397 (Inclusion into the ALR)
That part of District Lot 1022, Kamloops Division Yale District shown on
Plan B1111, Except Plan 31681, H18100 and 41183.**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your applications to subdivide the above described property into five lots and to include into the ALR the non-ALR portion of the property located north of Sunshine Valley Road. The applications were submitted pursuant to section 21(2) and section 17(3) of the *Agricultural Land Commission Act*.

The Commission wishes to thank your son for taking the time to meet with its representatives on March 6, 2006. He showed the Commissioners where the proposed lot lines would be and explained your reasons for requesting the subdivision.

Application # ZZ-36398 - Subdivision

When viewing the property, the Commission noted that the property had good agricultural capability and that the portion of the property within the ALR was improved for agricultural purposes. Throughout its history, the Commission has adopted a long-term approach to the preservation of agricultural land. Agricultural land is not defined on the basis of present use or parcel size (e.g. a lot that is not providing a full-time farm income does not for that reason alone qualify for subdivision).

In the Commission's opinion the land has agricultural capability and is correctly designated as ALR. It further believes that subdivision as proposed would substantially reduce the agricultural potential of the land and result in further pressures to subdivide lands nearby into rural residential parcels. For these reasons the Commission has refused your subdivision application as proposed.

Application # ZZ-36397 - Inclusion

In reviewing the proposal to include approximately 3 ha into the ALR, the Commission noted the inclusion was being offered in exchange for allowing subdivision. As the Commission has refused your subdivision application, the inclusion of the land is also refused.

The Commission's mandate is to preserve agricultural land and encourage farming and the Commission did not believe that your proposal was consistent with that mandate.

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However; the Commission notes that approximately half of your property is outside the ALR. Please be advised that the Commission has no objection to the subdivision of the non-ALR portion of the property as proposed.

The decisions noted above are recorded as Resolution #55/2006 and #58/2006.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

per:

Erik Karlsen, Chair

cc: Thompson-Nicola Regional District (#ALR-N-81)

SBR/lv
36397d1

In addition, subdivision into the lot sizes proposed would effectively eliminate the land's agricultural potential and could result in further pressures to subdivide nearby lands into rural residential parcels. The Commission's mandate is to preserve agricultural land and encourage farming and the Commission did not believe that the proposal was consistent with that mandate.

IT WAS

MOVED BY: Commissioner Huffman

SECONDED BY: Commissioner Read

THAT the staff report be received and the application to subdivide the 65.5 ha property described as That part of District Lot 1022, Kamloops Division Yale District shown on Plan B1111, Except Plans 31681, H18100 and 41183 be refused as recommended on the grounds that the ALR portion of the property has good agricultural capability and should not be subdivided. (Resolution # 55/2006).

CARRIED



Staff Report
Application # ZZ – 36397 – 0 and # ZZ-36398 – 0
Applicants: Claus & Christa Neels

DATE RECEIVED: December 2, 2005

DATE PREPARED: February 1, 2006

TO: Chair and Commissioners – Interior Panel

FROM: Simone Rivers, Regional Research Officer

PROPOSAL: To subdivide the 65.5 ha property into a 25.6 ha lot, a 12.4 ha lot, a 4.0 ha lot, a 10.6 ha lot and a 12.9 ha lot. And to include into the ALR that portion of the property located north of Sunshine Valley Road.

This application is made pursuant to section 21(2) and 17(3) of the
Agricultural Land Commission Act.

BACKGROUND INFORMATION:

This staff report summarizes two applications being made simultaneously for one property. Application # ZZ-36398-0 is a subdivision request and application # ZZ-36397-0 is an inclusion request. As the applications are so closely linked they are being described in one staff report.

Application # ZZ-36398-0 is being made for the following reasons, as outlined by the applicants:
1. The size of the farm is not large enough to support a commercially viable hay farm. Of the 65.5 ha property only 30 ha is used for hay. He further states that it is too large to run as a hobby farm because of the time and work involved in irrigating and harvesting the hay

2. Because of the topography of the parcel, 11.5 ha of hay pasture is located in the valley bottom where the soil is well suited to hay production. The larger balance of hay pasture is about 18.5 ha in size and located on a plateau 30 m above the Nicola River. The soil in this pasture is marginal and very rocky and not well suited for hay production. The applicant further states that *"based on tonnage produced per ha, for hay pasture in the Nicola Valley, this farm is lower than average because of the large portion of the land having marginal soil conditions."*

The applicants state that currently no water for irrigation or for home use is taken from the Nicola River. All water is accessed from a well. The property offers virtually unlimited water (pumping 500 gallons/minute) for irrigation during hay season and the applicants state that they have never had a water shortage.

Proposed lots 1 and 2 are not within the ALR. Additionally, a portion of proposed Lot 4 and of Lot 5 are not in the ALR. Application ZZ-36398-0 proposes inclusion of this area (located north of Sunshine Valley Road) (approximately 3 ha).

Local Government:

Thompson-Nicola Regional District

Legal Description of Property:

PID: 013-021-826

That part of District Lot 1022, Kamloops Division Yale District, shown on Plan B1111, Except Plans 31681, H18100 and 41183

Purchase Date:

March 1994

Location of Property:

Canford, west of Merritt

Size of Property:

65.5 ha

ALR Area:

Approximately 40.0 ha.

Area of Proposed Inclusion:

Approximately 3 ha

Present use of the Property:

Hay farm with two residences, two barns, two haysheds, a guest cabin and a workshop.

Surrounding Land Uses:

WEST: Regional District gravel pit and private forested unused acreage (ALR)

SOUTH: Private forested acreage (non-ALR)

EAST: Hobby farms (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:

Zoning Bylaw No. 940 designates the property as RL-1 (Rural)

Minimum parcel size: 4 ha.

PREVIOUS APPLICATIONS:

Application #04110-0

Applicant: Ronald & Helen Woods
Decision Date: May 10, 1977
Proposal: To subdivide the 74 ha property into one 70 ha lot and one 4 ha lot
Decision: Refused on the grounds that the introduction of a 4 ha parcel into an area of large parcels used for grazing could form a residential intrusion into the rural community. Parcels in this area with this agricultural capability should be retained for grazing purposes in the largest possible units.

Application #04110-1

Applicant: Ronald & Helen Woods
Decision Date: October 5, 1977
Proposal: To subdivide the 74 ha property into one 70 ha lot and one 4 ha lot
Decision: Allowed due to the location and soils of the proposed lot.

Application #13113-0

Applicant: H.J. Woods
Decision Date: October 5, 1981
Proposal: To subdivide 30 ha, mainly out of the ALR, from the 70.5 ha property
Decision: Allowed.

Application #22624-0

Applicant: G. D. Fink
Decision Date: December 16, 1988
Proposal: To exclude 0.2 ha from the ALR (The 0.2 ha is a portion of a proposed 5 ha subdivision, the majority of which lies outside the ALR)
Decision: Allowed.

RELEVANT APPLICATIONS:

Application #36205-0

Applicant: Dirk, Darlene and Danny Post,
Decision Date: November 24, 2005
Proposal: To subdivide the 51 ha property into one 1.4 ha lot, three 4 ha lots and a 37.6 ha lot.
Decision: Refused as proposed. Allowed the subdivision of the 1.4 ha parcel consisting of the land north of Petit Creek Road that contains the mobile home and small feedlot.

Application #36432-0

Applicant: Ted & Carlenne Bartlett
Proposal: To subdivide the 28 property into a 12.3 ha lot and a 15.7 ha lot.
Decision: *Pending*

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Director of Development Services: *The applicant has agreed to address the following issues in conjunction with the subsequent subdivision approval process should approval of the ALR be granted:*

- *Cancellation of the Additional Dwelling authorization granted in 1995.*
- *Completion of the proof of water requirements, including a report prepared by an appropriately qualified professional engineer or groundwater geologist...*

Thompson-Nicola Regional Board: That the Board of Directors support the application for inclusion of a portion of the property into the ALR.

STAFF COMMENTS:

Agricultural Capability: The property has agricultural capability ranging from Class 3 to Class 6. The non-ALR portion of the property is largely rated Class 6TR. The ALR portion from Class 3 to 5 with subclasses M and P.

Class 3 - Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Class 4 - Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

Class 5 - Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

Class 6 - Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

Subclasses

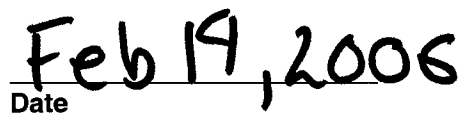
- M soil moisture deficiency
- P stoniness
- R shallow soil / bedrock outcroppings
- T topography
- W excess water

Agricultural Suitability: The property is currently improved for hay production where possible.

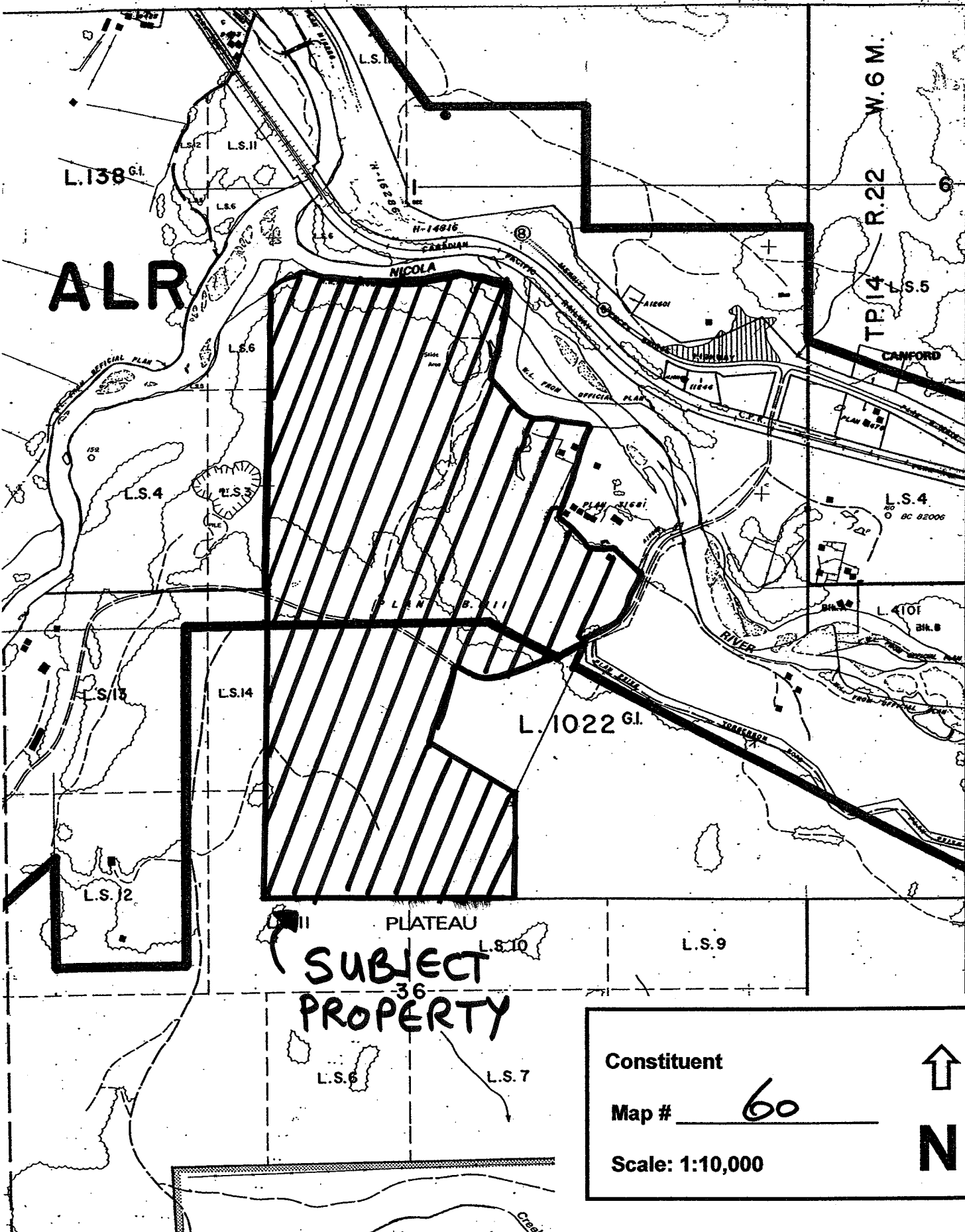
Staff note that only 40 ha (approximately) of the property is within the ALR. Therefore the Commission is evaluating whether to allow proposed lots 3, 4 and 5. Proposed lots 1 and 2 are outside of the Commission's jurisdiction. Staff recommend a site visit in order to evaluate the agricultural capability of the property and to assess the impacts of this subdivision on surrounding properties.

END OF REPORT


Signature


Date

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50° 09' 00"



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Map #	60	
Scale: 1:10,000		N