



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

June 13, 2006

Reply to the attention of Simone Rivers

Thomas Edenoste and Claudette St. Cyr
PO Box 1239
Merritt, B.C. V0K 2B0

Dear Mr. Edenoste and Ms. St. Cyr:

Re: Application # ZZ-36430-0
South East ¼ of District Lot 1421, Kamloops Division Yale District

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide the above mentioned property into a 6.1 ha lot, a 12.5 ha lot, an 8.6 ha lot and a 36.8 ha lot. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank you for taking the time to meet with its representatives on March 2, 2006. The Commission noted the property is surrounded by land used by local ranchers to graze their cattle. Due to the impact this subdivision might have on those operations, the Commission was reluctant to allow subdivision without some corresponding benefit to agriculture. Therefore the Commission refused the application as proposed.

However, the Commission notes that your application states that you own the adjacent property (the North East ¼ of DL 1421.) The Commission would allow the proposed subdivision subject to the consolidation or binding of titles of the remainder of the SE ¼ with the NE ¼.

Should you wish to proceed on this basis approval would be subject to:

- the subdivision being in substantial compliance with the attached plan.
- the registration of a covenant that binds the titles of the North East ¼ of DL 1421, KDYD with the remainder (36.8 ha portion) of the South East ¼ of DL 1421 so that they can not be sold separately.
- 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.

The decision noted above is recorded as Resolution #240/2006.

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.

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Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Kalsen, Chair

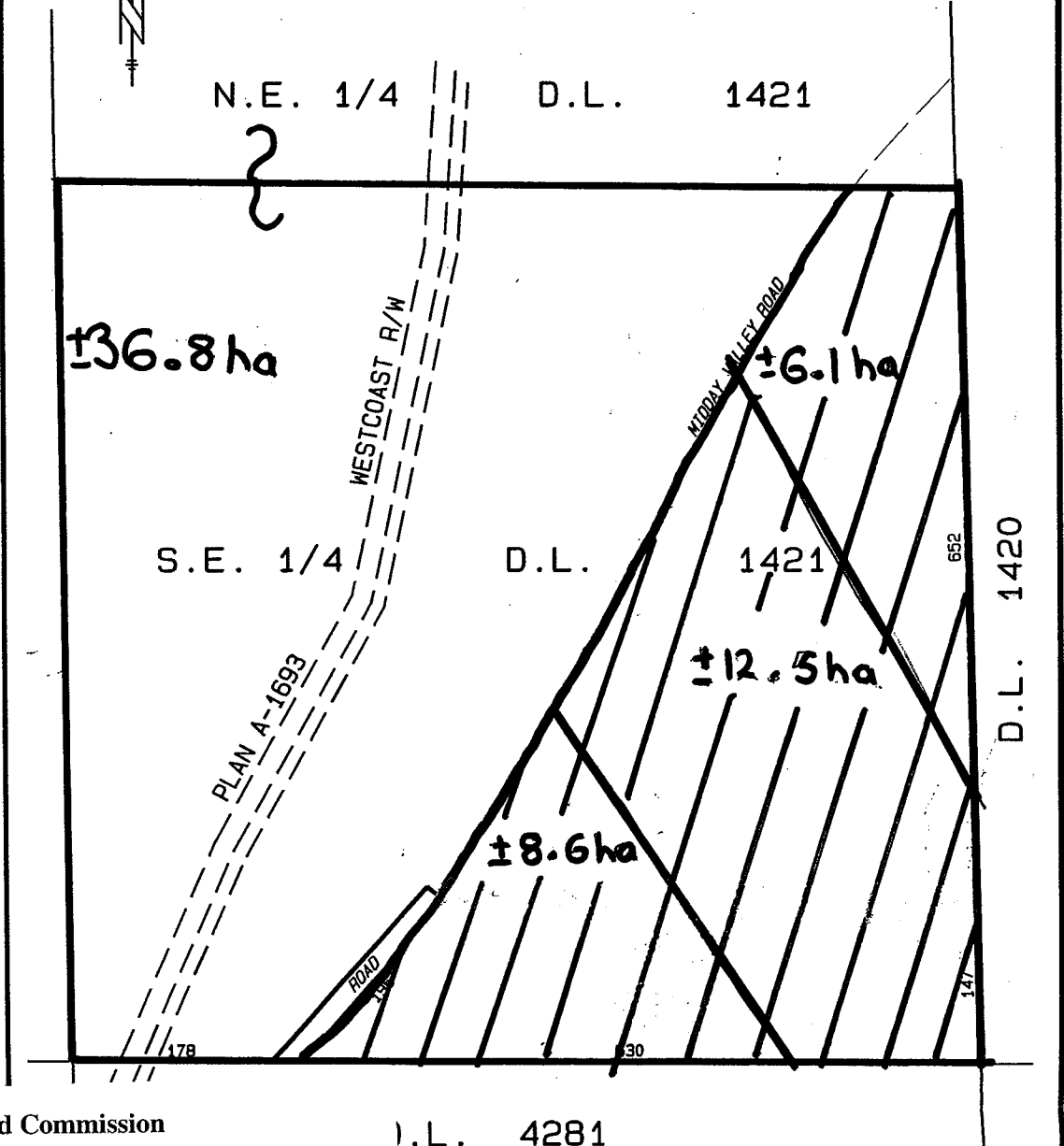
cc: Thompson-Nicola Regional District (application ALR-N-82)
R.G. Holtby, 670-17th Street, SE, Salmon Arm, B.C. V1E 1W2

SBR/lv/Encl.
36430d1.

SKETCH OF PROPOSED SUBDIVISION OF PART OF
THE SOUTH EAST 1/4 OF DISTRICT LOT 1421
KAMLOOPS DIVISION YALE DISTRICT




Scale 1 : 5000

OWNERS:
Thomas Glenn Edenoste
Neil Clyde Edenoste
Box 1239
Merritt, B.C.



Provincial Agricultural Land Commission
Application: ZZ-36430-0
Resolution # 240/2006

DERIVED FROM EXISTING
CHANGE ON SURVEY.
N - NICOLA REGIONAL DISTRICT.
RURAL LAND RESERVE.

-  Subject property.
-  Area approved for subdivision
-  Lots to be consolidated or bound by title.

JOHN GRAHAM
B.C. LAND SURVEYOR
BOX 1129, MERRITT, B.C. V1K 1B8
File 97031

IT WAS

MOVED BY: Commissioner Huffman

SECONDED BY: Commissioner Campbell

THAT the staff report be received and the application to subdivide the 63 ha property described as the South East $\frac{1}{4}$ of District Lot 1421, Kamloops Division Yale District into a 6.1 ha lot, a 12.5 ha lot, an 8.6 ha lot and a 36.8 ha lot be refused as proposed.

AND THAT the Commission would allow the subdivision as proposed subject to the consolidation of the North East $\frac{1}{4}$ of District Lot 1421, KDYD with the 36.8 ha remainder of the South East $\frac{1}{4}$ of District Lot 1421, KDYD.

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

CARRIED



Staff Report
Application # ZZ – 36430 – 0
Applicant: Thomas Edenoste
Agent: R G Holtby

DATE RECEIVED: December 22, 2005

DATE PREPARED: February 9, 2006

TO: Chair and Commissioners – Interior Panel

FROM: Simone Rivers, Regional Research Officer

PROPOSAL: To subdivide the 63 ha property into four (4) lots. Proposed lots sizes area 6.1 ha, 12.5 ha, 8.6 ha lot and 36.8 ha.

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

BACKGROUND INFORMATION:

A previous application (# 31587-0) to subdivide this property was refused. The decision letter gave the following reasons:

"the Commission does not support the parcelization of lands within the Agricultural Land Reserve for rural residential purposes. In areas where cattle ranching is the predominant form of agriculture, the Commission believes that it is necessary to maintain parcel sizes as large as possible in order to retain the forage and grazing base necessary for this agricultural endeavor. In addition, it has been found that increasing the number of people in an agricultural area has a negative effect on the existing or potential agricultural use of other properties in the area as the number of dogs, kids on bikes and people leaving gates open in grazing areas increases. The Commission must also consider the long term effect of allowing your subdivision as proposed as it would have to be willing to permit other requests for subdivision which might be received from other property owners who had been led to believe that the commission supported this type of development within the ALR."

The application was submitted with a report by Bob Holtby, agent for the applicant. The opinion of the agent, with respect to this application, is as follows:

"My inspection of the property on July 4, 2005 indicated some disagreement with the agricultural capability ratings on this specific parcel. First, I believe that there is much less than 90%, indeed a minority of the subject parcel that is suitable for cultivation due to topographic limitations. Second, there appears to be a moisture limitation that has not been identified in the CLI mapping. Third, stoniness pervades the landform and is not isolated, as the rating would indicate."

The agent's opinion is that the highest and best use of the land is for grazing with some limited opportunity for some improvement in grass species. The current land use is for that purpose.

Finally, the agent states that he disagrees with the Commission's earlier decision and does not believe that the subject property is "in an agricultural area"... The Agricultural Land Reserve includes only 195 ha in this area and the subject property is in a rather remote area, 9 km down a logging road. Further, the residences would lie to the south east of the road and be separated by two fences from the remaining land on which corrals and watering systems have been developed. That land is contiguous to the other holding of Mr. Edenoste in which he ranges his cattle. Mr. Holtby further believes that there is some benefit to be derived from having even temporary residences in the range area to provide some limited supervision of the grazing animals. He further states that the subject area is remote and contains a limited amount of agricultural land within a forested area. The proposal separates land on the south east side of the road, away from the main range area.

Local Government:

Thompson-Nicola Regional District

Legal Description of Property:

PID: 013-185-217
South East ¼ of District Lot 1421, Kamloops Division Yale District

Purchase Date:

November, 1990

Location of Property:

South of Merritt

Size of Property:

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

Present use of the Property:

Rangeland, a recreational property is north of the road.

Surrounding Land Uses:

WEST: Forest (non-ALR)
SOUTH: Forest (non-ALR)
EAST: Forest (non-ALR)
NORTH: Rangeland (ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 921/2
The majority of the property is identified as having 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 #31587-0

Applicant: Edenoste, Thomas & Neil

Decision Date: November 17, 1997

Proposal: Subdivide the 65 ha lot into 1 rural residential lot of 8 ha and a 57 ha remainder.

Decision: Refused on the grounds of residential impact.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Thompson-Nicola Regional District Board: Standard fencing resolution

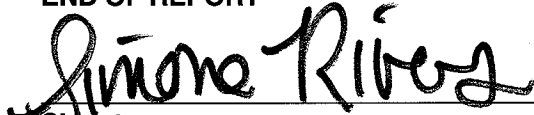
STAFF COMMENTS:

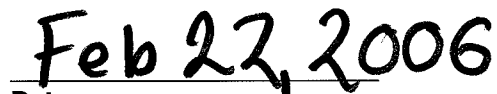
Agricultural Capability: The property is rated as 90% Class 4T - 10% Class 6TP. As stated in the background information, it is the opinion of the agent that the capability of the property is not this high. Due to topographic constraints he estimates that the rating would at best be a Class 5 and 6.

Impact on Agriculture: The proposed parcel size is smaller than the quarter section subdivision typical in the area.

Staff recommend a site visit to evaluate the agricultural capability of the parcel and the impact on agriculture of the proposed subdivision.

END OF REPORT


Signature


Date