



Agricultural Land Commission
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June 5, 2006

Reply to the attention of Simone Rivers

Burman and Sheila Flett
P.O. Box 4318
Lower Nicola, B.C. V0K 1Y0

Dear Mr. and Mrs. Flett:

Re: Application # ZZ-36555
Lot 2, District lot 131, Kamloops Division Yale District, Plan 11559

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide the above mentioned property into ten 0.4 ha lots. 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 May 18th, 2006. The site visit allowed the Commission to gain a better understanding of your proposal and answered outstanding questions about the location of the access road to the proposed lots. The Commission noted that the property had limited agricultural capability.

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

- the subdivision being in substantial compliance with the attached plan.
- 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 **#241/2006**.

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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Thompson-Nicola Regional District (#ALR M-3)
SBR/lv/36555d1.

Provincial Agricultural Land Commission
 Application: ZZ-36555-0
 Resolution # 241/2006



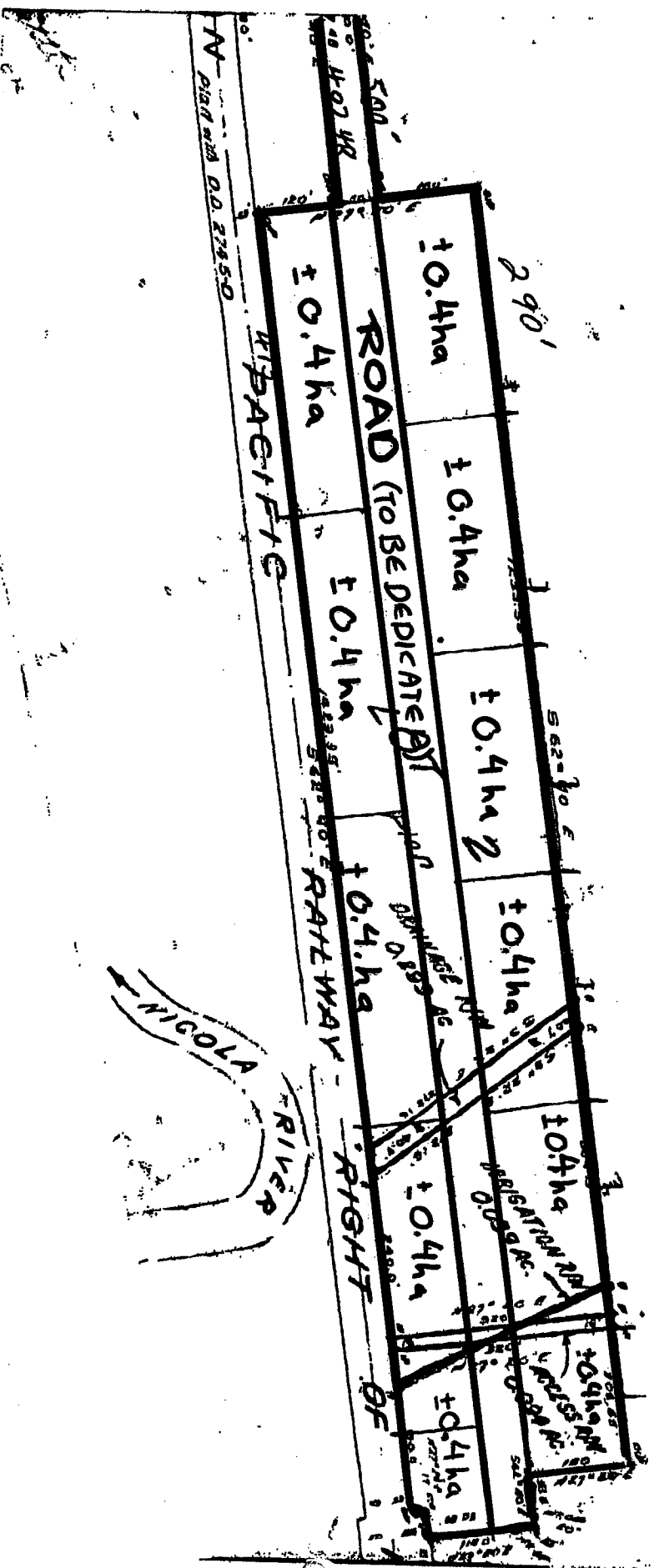
Subject property.



Area approved for subdivision within the ALR.



Enlargement
 Scale: 1 inch = 60 feet



1 at 2.01 181 KNVN 01. 11559

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the “Commission”) on May 18, 2006 at the Plaza Heritage Hotel, 405 Victoria Street, Kamloops, B.C.

PRESENT: Grant Huffman Chair
Holly Campbell Commissioner
Frank Read Commissioner

STAFF: Simone Rivers, Regional Research Officer
Martin Collins, Planner

For Consideration

Simone Rivers presented the staff report dated April 24, 2006 regarding application #ZZ- 36555. Mr. Flett confirmed that he received the staff report and did not identify any errors.

Site Inspection

A site inspection was conducted on May 18, 2006. Those in attendance were:

- Commissioners Huffman, Read, Campbell
- Agricultural Land Commission Staff: Simone Rivers, Regional Research Officer and Martin Collins, Planner
- Applicants: Burman & Shelia Flett

The Commissioners met with the applicants on site and toured the property with them. They noted that a portion of the property (which is outside the ALR) was already being used for industrial purposes. The applicants informed the Commissioners that they had changed the layout of the proposed subdivision from that submitted. They were still proposing the same number and size of lots but in a different configuration.

The site inspection lasted from 2:15 p.m. to 2:45 p.m.

Commission Discussion

The Commission noted that the property was not improved for agricultural use and that the majority of the property had limited agricultural capability. The Commission also noted that there were other industrial uses nearby. Therefore the Commission would allow the subdivision as proposed.

IT WAS

MOVED BY: Commissioner Read

SECONDED BY: Commissioner Campbell

THAT the staff report be received and the application to subdivide the 6 ha property described as Lot 2, District Lot 131, Kamloops Division Yale District, Plan 11559 be allowed as proposed on the grounds the land had limited agricultural capability.

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

CARRIED



Staff Report
Application # ZZ – 36555 – 0
Applicant: Burman & Sheila Flett

DATE RECEIVED: March 20, 2006

DATE PREPARED: April 24, 2006

TO: Chair and Commissioners – Interior Panel

FROM: Simone Rivers, Regional Research Officer

PROPOSAL: To subdivide the 6 ha property into ten (10) 0.4 ha lots (2 ha will be used as access road).

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

BACKGROUND INFORMATION:

The property has a history of industrial uses, including an ore dump previously used by Craigmont Mine. The Local Government stated that a Contaminated Site Profile will likely be requested at the time of subdivision.

The applicant had applied to the Integrated Land Management Bureau (ILMB) for use of 1.7 ha of Pacific Railway right-of-way for use as an access road for these properties. However, Local Government Planning Services made the following comments in a referral to the ILMB regarding this application, *“utilizing a vacant railroad right-of-way for road access to all the proposed lots does not meet the requirement for road frontage in the bylaw, unless this section is dedicated as public road. We are not in favour of this right-of-way being considered for road frontage purposes. On the other hand, we have no objection to this right-of-way being used strictly for non-subdivision access purposes to the one existing lot.”*

Two different plans for providing access to the proposed lots have been submitted. It is uncertain which option is the current preferred option; however, it is suspected, based on the above comments, that Plan B is the current plan as this plan does not involve the use of the railroad right-of-way to provide access but creates a new road to be taken from the subject property.

Local Government:

Thompson-Nicola Regional District

Legal Description of Property:

PID: 001-762-583

Lot 2, District Lot 131, Kamloops Division Yale District, Plan 11559

Purchase Date:

2000

Location of Property:

Lower Nicola

Size of Property:

6 ha

ALR Area:

4.5 ha

Present use of the Property:

Office and yard of Turtle Track Construction Limited

Surrounding Land Uses:

- WEST:** Residence and access to Lot 2. (non-ALR)
- SOUTH:** Pacific Railway right of way. (ALR)
- EAST:** Swamp and Shulus Indian Reserve. (ALR)
- NORTH:** Pasture, vacant, Shulus Cattle Company. (ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 921/2
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

Nicola Valley Official Community Plan.

Zoning Bylaw and Designation:

I-3 (General Industrial)

RELEVANT APPLICATIONS:

Application #01871-0

- Applicant:** Neale, John & Eddy
- Decision Date:** June 15, 1976
- Proposal:** To exclude approximately 1.6 ha from the 80 ha ranch property for a residential subdivision.
- Decision:** Refused on the grounds of rural residential parcelization in a ranching area and impact on adjacent ranch lands.

Application #18366-0

- Applicant:** Shulus Cattle Co
- Decision Date:** August 21, 1984
- Proposal:** To use 3.2ha leased portion of the 117ha property for sawmill purposes.
- Decision:** Allowed subject to compliance with local bylaws and zoning.

Application #23989-0

Applicant: Shulus Cattle Company

Decision Date: April 12, 1990

Proposal: To exclude 21 ha of ALR to develop this land along with 23 ha not in the ALR as a 19 lot industrial park with buffers to adjacent residential areas.

Decision: Allowed as requested, with the suggestion of the preparation of a subdivision plan to create the excluded portion as a separate legal lot.

Note: Only a portion of this allowed exclusion has been completed as the applicants were not able to re-zone and therefore the subdivision plan was never submitted. The majority of the land is still in the ALR.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Thompson-Nicola Regional District Planning Department: The planning department sent a letter to the applicants dated March 7, 2005 outlining several concerns with regards to the subdivision application including the following.

We have concerns regarding the creation of new industrial densities at this location in light of the broad range of uses in the I-3 Zone and the sensitivity of this type of development in such close proximity to the Nicola River and existing groundwater resources. An unrestricted approach to industrial development at this location could have adverse impacts on the area.

OTHER COMMENTS:

Lower Nicola Waterworks District:

The proposed subdivision is in the existing Lower Nicola Waterworks District. The Lower Nicola Waterworks Improvement District has the capacity to supply a continuing source of water to the 10 lot sub-division. It is the developer's responsibility to run the water line at their cost from the end of the line to the proposed subdivision.

STAFF COMMENTS:

Agricultural Capability:

100% Class 5PI

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

Subclasses:

P - Stoniness


I - Inundation (flooding by streams, etc.)

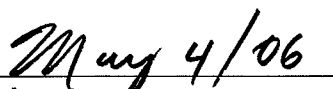
Impact on Agriculture:

The proposed lots are surrounded by agricultural use, specifically pasture of the Shulus Cattle Company and hayfield however, some exclusion for industrial use in the area has been allowed in the past.

Staff recommend a site visit to evaluate the agricultural potential of the subject property as well as the impact the subdivision will have on neighbouring agricultural operations.

END OF REPORT


Signature


Date