



Agricultural Land Commission
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July 26, 2006

Reply to the attention of Simone Rivers

Daniel Arundel
R.R. #1 – Site 2 – Comp 52
Heffley Creek, BC V0E 1Z0

Dear Mr. Arundel:

Re: **Application # ZZ- 36628**

1. **Lot 1, Section 18, Township 23, Range 16, West of the 6th Meridian, Kamloops Division Yale District, Plan KAP66849**
2. **Lot 2, Section 18, Township 23, Range 16, West of the 6th Meridian, Kamloops Division Yale District, Plan KAP66849**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide the above mentioned properties into a total of five (5) 8 ha lots. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission regrets it was unable to meet with you on July 11, 2006 (due to circumstances beyond our control) and thanks Cassie Arundel for her patience and the information about the property given over the phone. 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 #369/2006.

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-P-98)
SBR/lv/Encl./36628d1.



Staff Report
Application # ZZ – 36628
Applicant: Daniel Arundel

DATE RECEIVED: April 24, 2006

DATE PREPARED: June 26, 2006

TO: Chair and Commissioners – Interior Panel

FROM: Simone Rivers, Regional Research Officer

PROPOSAL: To subdivide the property into five 8 ha lots to be sold as hobby farms.

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

BACKGROUND INFORMATION:

The applicant states that the land is inadequate for agricultural use and that the lot is currently too big. He would like to subdivide into 8 ha lots that will be suitable for "small hobby farms or rural living."

There is a covenant on the property in favour of the TNRD and the Ministry of Transportation that states that "no permanent improvements shall be built, constructed or otherwise located upon those portions of the lands lying within fifteen (15) meters of the easterly boundary of plan H8754, which shall be reserved for future road purposes."

There is also a covenant on the property in favour of the TNRD that restricts building on the property to certain sites because of rockfall hazard.

Local Government:

Thompson-Nicola Regional District

Legal Description of Properties:

1. PID: 024-786-217
Lot 1, Section 18, Township 23, Range 16, West of the 6th Meridian, Kamloops Division
Yale District, Plan KAP66849
2. PID: 024-786-233
Lot 2, Section 18, Township 23, Range 16, West of the 6th Meridian, Kamloops Division
Yale District, Plan KAP66849

Purchase Date:

February 1999

Location of Properties:

North of Vinsulla

Size of Properties:

40 ha.

ALR Area:

11 ha

Present use of the Properties:

Vacant

Surrounding Land Uses:

WEST: Residential (ALR)
SOUTH: Residential
EAST: Crown land
NORTH: Residential (ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 921/16
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

Kamloops North Official Community Plan designates the parcel as Agricultural

Zoning Bylaw and Designation:

Zoning Bylaw No. 940 designates the property as SH-1 (Small Holdings)
Minimum Parcel Size 2 ha.

PREVIOUS APPLICATIONS:

Application #31970-0

Applicant: Ricketts, Kelly & Ingrid
Decision Date: June 22, 1998
Proposal: To subdivide the 66 ha property into 3 lots of 16 ha, 24 ha and 26 ha.
Decision: Allowed.
Note: This application created the subject properties.

Application #17503-0

Applicant: Leonie Estates Inc.
Decision Date: June 19, 1984
Proposal: To subdivide 2 lots of 2 ha each from outside the ALR boundary.
Decision: Allowed.

RELEVANT APPLICATIONS

Application #04111-0

Applicant: Nygren, D & Alexander, C
Decision Date: May 3, 1977
Proposal: To subdivide the 25.6 ha property into 11 parcels of approximately 2 ha each.
Decision: Allowed, the Commission noted that there was only a small strip of ALR through the subject property with a low (Class 5-6) rating.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Local Government Planning Staff:

Staff made the following comments.

1. The properties have been identified as having rockfall hazards. Covenants in this regard, in favour of the Ministry of Transportation and the TNRD, have been registered against the subject property.
2. Subdivision approval will likely lead to further requests based on the current SH-1 (Small holdings) zoning which has a minimum parcel size of 2 ha.
3. The proposal is inconsistent with a number of the Rural Settlement and Environmental Protection Policies of the TNRD Regional Growth Strategy.

STAFF COMMENTS:

Agricultural Capability:

The ALR portion of the subject property is rated
100% Class 5TM improvable to 70% Class 4 TP - 30% Class 5TP.

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.

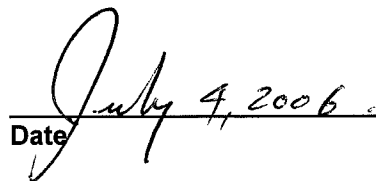
Subclasses: T – topography; P – stoniness; M – soil moisture deficiency

Application # 31970 allowed creation of the subject properties. At the time this application was made the ALC staff planner made the following comments: "...Because of rockfall hazard, the subject parcel cannot be subdivided to smaller parcels, so subdivision would not set a precedent for extension of Vinsulla to the area north of the subject parcel. [Rockfall hazard may also be the reason why Application #04111 was never completed.] Impact of limited subdivision on nearby farms would be negligible given that Highway 5 intervenes and that the farms are at a much lower elevation than the highway..." It is uncertain if the applicant has addressed the rockfall hazard concerns in making this new application.

Staff recommend a site visit to determine if the ALR portion of the subject property has agricultural capability and to further discuss the applicant's plans.

END OF REPORT


Signature


Date