



**Agricultural Land Commission**  
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June 6, 2006

Reply to the attention of Brandy Ridout  
ALC File #H-36643

Robert and Marta Mor  
PO Box 67, 4923 Parker Rd.  
Eagle Bay, BC V0E 1T0

Dear Mr. and Mrs. Mor:

Re: Application to subdivide in the Agriculture Land Reserve

Please find attached the Minutes of Resolution #256/2006 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Columbia Shuswap Regional District (# LC2334-C)

MC/lv/Encl.: Minutes  
36643d1



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 25, 2006.

**PRESENT:** Sue Irvine Chair, Okanagan Panel  
Sharon McCoubrey Commissioner  
Brandy Ridout Staff  
Martin Collins Staff

**ABSENT:** Sid Sidhu Commissioner

### For Consideration

Application # H-36643  
Applicants Robert and Marta Mor  
Proposal To subdivide two 4 ha lots from the 14 ha property  
Legal PID: 019-082-762  
Lot 1, Section 4, Township 23, Range 9, W6M, KDYD, Plan KAP53812  
Location 4923 Parker Road (address of residence, across the street), Eagle Bay on Shuswap Lake

### Site Inspection

A site inspection was conducted on May 24<sup>th</sup>, 2006. Those in attendance were:

- Commissioners: Sue Irvine and Sharon McCoubrey
- Staff: Brandy Ridout and Martin Collins
- Applicant: Robert Mor

Mr. Mor confirmed that he received the staff report dated May 15, 2006. In an e-mail from the applicant dated May 17, 2006, several points of clarification were outlined with regard to the staff report. The issues included the applicant's interest in other lands in the community, that there was no dwelling on the subject property, and that the previous owner had subdivided the property. In addition, the applicant stated that the land does not have good capability for agriculture. These comments led to an amended staff report dated May 19, 2006.

### Discussion:

The Commission noted that the proposed subdivision would sever the most productive portion of the property into three parts. The Commission's experience is that smaller lots are less likely to be used for agriculture and that often come under further subdivision pressure.

In the Commission's view, the land had capability for agricultural use and should be retained in its present size to allow for the widest range of agricultural activity.

### **IT WAS**

**MOVED BY:** Commissioner McCoubrey

**SECONDED BY:** Commissioner Irvine

THAT the application be refused on the grounds the productive area of the property would be severed into three parts, thus reducing the agricultural potential of the land and narrowing agricultural options.

### **CARRIED**

**RESOLUTION # 256/2006**



**Staff Report**  
**Application # H – 36643**  
**Applicant: Robert & Marta Mor**  
**Location: Eagle Bay, Shuswap Lake**

**DATE RECEIVED:** April 27, 2006

**DATE PREPARED:** May 19, 2006

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

**FROM:** Brandy Ridout, Regional Research Officer

**PROPOSAL:** To subdivide two (2) 4.1 ha lots from the 13.9 ha subject property.

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

**BACKGROUND INFORMATION:**

Several previous applications have been considered on the property for subdivision and exclusion, all of which have been refused. An on-site soils analysis was previously undertaken that confirmed that the soil has good agricultural capability. However, the applicants state that the land does not have good capability for agriculture. They note that their previous herd of ten beef cows required hay supplement throughout the year. They also note that their property is similar to a nearby property in which a golf course was permitted under application #32797 on the grounds a detailed agricultural analysis suggested that the property has limited agricultural capability.

The subject property once shared a title with three other properties. Without consultation with the Commission, the parcels were separated and sold separately by a previous owner. The applicant owns a 13.3 ha property along Eagle Bay Road.

The applicants state that the primary reason for the subdivision request is to be able to establish a retirement home on one of the parcels as well as equally divide the estate between their two children.

**Local Government:**

Columbia Shuswap Regional District

**Legal Description of Property:**

PID: 019-082-762

Lot 1, Section 4, Township 23, Range 9, W6M, KDYD, Plan KAP53812

**Purchase Date:**

September 1994

**BACKGROUND INFORMATION (continued):**

**Location of Property:**

4923 Parker Road (address of residence, across the street), Eagle Bay on Shuswap Lake

**Size of Property:**

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

**Present use of the Property:**

Hobby farm with outbuildings – primarily cleared and in pasture.

**Surrounding Land Uses:**

**WEST:** ALR, hobby farm (14 ha)  
**SOUTH:** Non-ALR, large (2 ha) rural residential lots  
**EAST:** ALR, uncleared 10 ha parcel  
**NORTH:** ALR, hobby farm 4 ha

**Agricultural Capability:**

Data Source: Agricultural Capability Map #82 L/14  
The majority of the property is identified as having prime dominant ratings. An on-site soils report undertaken in the 1980's confirms the prime ratings.

**Official Community Plan and Designation:**

South Shuswap Official Community Plan Bylaw No. 700  
Designation: Agriculture 2 (A2)

**Zoning Bylaw and Designation:**

South Shuswap Zoning Bylaw No. 700  
Designation: Agriculture Zone (AR2)  
Minimum lot size: 4 ha

**PREVIOUS APPLICATIONS:**

**Application #75-1238-0**

**Applicant:** Frank Gauthier  
**Decision Date:** December 18, 1975  
**Proposal:** To subdivide 6.5 ha into small recreational lots.  
**Decision:** Refused.

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**Application #10777-0**

**Applicant:** Frank & Agnes Gauthier  
**Decision Date:** December 3, 1980  
**Proposal:** To exclude the 37 ha property from the ALR.  
**Decision:** Refused - on the grounds the land has good capability for agriculture (as confirmed by an on-site soils analysis by E. Potinger dated September 19, 1980).

**PREVIOUS APPLICATIONS (continued):**

**Application #15098-0**

**Applicant:** Frank Gauthier  
**Decision Date:** August 26, 1982  
**Proposal:** To subdivide the 37 ha property into two lots (10 ha and 27 ha) as divided by the creek that bisects the property.  
**Decision:** Refused - on the grounds the land has better agricultural capability in its present size, than if subdivided.

**RELEVANT APPLICATIONS:**

**Application #32797-0**

**Applicant:** Kahn Whitehead  
**Decision Date:** October 1, 1999  
**Proposal:** To develop a golf course, driving range and other recreation oriented facilities on three adjacent properties totalling 46 ha.  
**Decision:** Refused due to agricultural capability and impact.  
Reconsidered and reconfirmed refusal.  
Reconsidered again and allowed on the grounds a detailed agricultural analysis suggested that the property has limited agricultural capability.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**


**Columbia Shuswap Regional District Board:** Forwarded the application with a recommendation of support.

**STAFF COMMENTS:**

Staff recommends that the Commission consider the following.

- The land has good capability for agriculture. Subdivision would limit the agricultural options and raise expectations that further subdivision might be permitted.
- Generally, 4 – 5 ha parcel sizes in this area are more likely to be used for rural residential rather than agricultural uses.
- The Commission has repeatedly refused the previous applications for subdivision and exclusion of this property. Staff notes that reducing parcel size (as evidenced by the splitting of the Legal Subdivisions into their own titles) has not resulted in agricultural development.
- This isolated ALR block is similar in agricultural capability and size to others surrounding Shuswap Lake. In this area recreational pressures are intense and farming activity is low. Continued subdivision pressure can be expected, particularly into lot size as low as 1-2 ha (the minimum size to accommodate septic fields).

**END OF REPORT**

  
\_\_\_\_\_  
Signature

May 19, 06  
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Date