



Agricultural Land Commission
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June 13, 2006

Reply to the attention of Brandy Ridout
ALC File #H - 36645

Andre Weilenmann and Barbara Freidli
2493 Holmes Deakin Road
Golden, B.C. V0A 1H1

Dear Sir/Madam:

Re: Application to exclude land from the Agriculture Land Reserve

Legal: PID: 016-082-061 The Fraction SW ¼ of Sec. 2, Twp 19, R22, W5M,
Except Islands 12 and 13 in Blaeberry River, and Part included in Plan
NEP20201

Please find attached the Minutes of Resolution #272/2006 outlining the Commission's decision as it relates to the above noted application.

By way of a copy of this letter, the Registrar of Land Titles in Kamloops is advised that the above noted property is excluded from the Agricultural Land Reserve.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

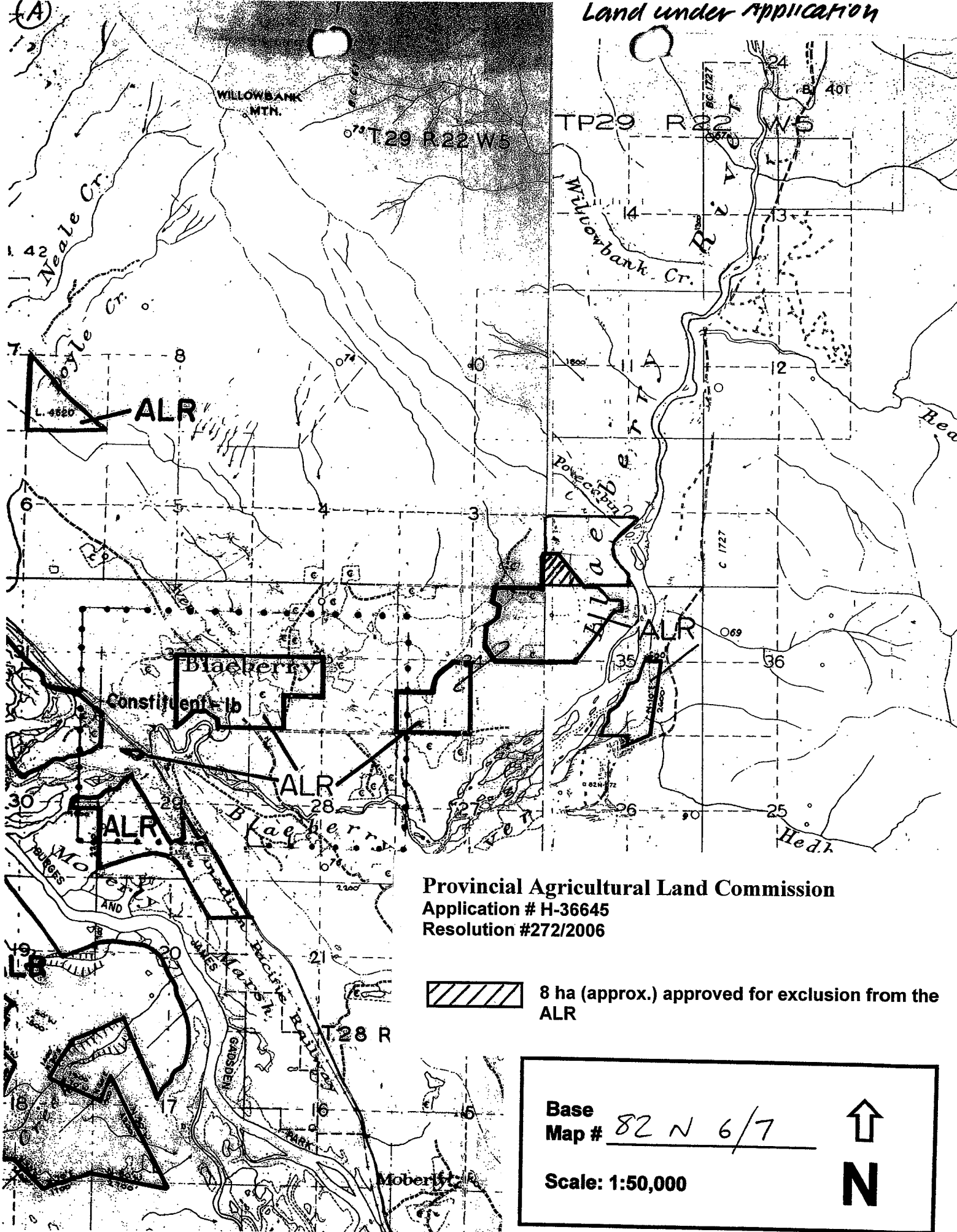
Per:

Erik Karlsen, Chair

cc: Columbia Shuswap Regional District - LC2335-A
Registrar of Land Titles, Kamloops

BR/lv/Encl.: Minutes
Sketch Plan

36645d1




Land under Application

Provincial Agricultural Land Commission
 Application # H-36645
 Resolution #272/2006



8 ha (approx.) approved for exclusion from the ALR

Base Map # 82 N 6/7 
 Scale: 1:50,000 **N**

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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

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

For Consideration

Application # H-36645

Applicant(s) Weilenmann and Friedli

Proposal To exclude the 8 ha southwesterly corner of the property from the ALR

Legal PID: 016-082-061 The Fraction SW ¼ of Sec. 2, Twp 19, R22, W5M, Except Islands 12 and 13 in Blaeberry River, and Part included in Plan NEP20201

Location North of Golden in the Blaeberry area.

Site Inspection

A site inspection was conducted on May 25th, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey
- Staff: Brandy Ridout and Martin Collins
- Applicant: Andre Weilenmann

Mr. Weilenmann confirmed that he received the staff report dated May 9th, 2006 and did not identify any errors.

Discussion

The Commission noted that the 8 ha exclusion area comprised a relatively steeply sloped, sparsely treed, grassed area occupied by scattered overnight guest cabins, outbuildings and a large pond.

The improved agricultural capability ratings for 8 ha exclusion area are identified as 70% Class 4P and 30% Class 5TP. In the Commission's mind the latter (5TP) classification applied to the 8 ha exclusion area because topography was a limitation. The Commission noted that the majority of the property lying outside the ALR also had the same soil classification. However, generally the non ALR area appeared to be flatter, but was not cleared of its forest cover.

The adjoining land within the ALR lying to the south lay at a lower elevation than the subject land. It appeared to have good agricultural capability and was used for livestock pasture and hay production.

The Commission did not believe that the 8 ha area in the ALR was suitable for agricultural development because of the existing guest lodge uses and significant topographic constraints. Also, the Commission did not believe exclusion would have a deleterious impact on the adjoining farm operation, because the existing non farm use was well established. It was noted that 8 ha area under application could be subdivided from the remainder (and the remainder subdivided into smaller 4 lots, similar to others in the area) without the Commission's review or approval.

The Commission concluded that the land under application did not have agricultural capability and that its exclusion would not have a significant impact on the existing farm operation operating on adjoining ALR land

IT WAS

MOVED BY: Commissioner McCoubrey

SECONDED BY: Commissioner Irvine

THAT the application to exclude 8 ha from the ALR be approved on the grounds of poor agricultural capability.

CARRIED

RESOLUTION # 272/2006



372/06

Staff Report
Application # H – 36645
Applicant: Andre Weilenmann & Barabara Friedli
Location: north of Golden

DATE RECEIVED: April 27, 2006

DATE PREPARED: May 9, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To exclude the approximately 8 ha ALR portion of the 60 ha subject property. The 8 ha area is used for a guest lodge and four other overnight guest structures cabins. The remainder of the property is forested and not used for agriculture.

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The applicants note that the notation indicating that the property may be affected by the ALC Act is not on the title. Also they were advised by the real estate agent upon purchasing the property that the land was not within the ALR. The majority of the Blaeberry area was excluded from the ALR in 1980 as part of a fine tuning exercise including the majority of this property and surrounding areas to the west and north.

The agricultural history of the property was researched by the applicant. It is noted that in the 1930's the property was used for running sheep and some hay production. The applicants have leased an area to a neighbour for cattle grazing and subsequently tried to raise cattle themselves. However, they found that they were not able to get enough feed from the meadows and forested areas. In 2003 they applied for extra water irrigation for 4 ha but were refused.

Local Government:

Columbia Shuswap Regional District

Legal Description of Property:

PID: 016-082-061

Southwest ¼, Section 2, Township 29, Range 22, W6M, Kootenay District, Except 1) Islands 12 and 13 in Blaeberry River and 2) Part included in Plan NEP20201

Purchase Date:

January 1993

BACKGROUND INFORMATION (continued):

Location of Property:

2493 Holmes - Deakin Road, north of the Blaeberry River

Size of Property:

60 ha (approximately 8 ha)

Present use of the Property:

Guest lodge and cabins. The remainder of the property is primarily forested with some cleared pasture for horses.

Surrounding Land Uses:

WEST: Non-ALR rural residential 4 ha lots.
SOUTH: Farm operation, cleared fields and pasture.
EAST: Blaeberry River
NORTH: Forested crown land outside the ALR

Agricultural Capability:

Data Source: Agricultural Capability Map # 82 N6,7
The majority of the property is identified as having secondary ratings (7:4P – 3:5TP).

Official Community Plan and Designation:

No OCP or zoning exists in this area.

PREVIOUS APPLICATIONS:

Application #75-1167-0

Applicant: Morgan R. Bunch
Decision Date: November 27, 1975
Proposal: To subdivide the 60 ha property into two lots of 30 ha each.
Decision: Refused - on the grounds of reduced capability.

Application #25022-0

Applicant: Ron & Sandkuhl Robinson
Decision Date: January 23, 1991
Proposal: To exclude a 0.13 ha portion of the property and adjoin it to the 0.8 ha property to the west. The 0.13 ha contains the original homesite.
Decision: Allowed.

RELEVANT APPLICATIONS:

Application # H-34728

Applicant: George and Karen Smedley
Decision Date: April 2, 2003
Proposal: To exclude 30 ha from the ALR for rural residential development on the grounds the land has poor agricultural capability.
Decision: Allowed on the grounds the ALR is fragmented and suffers from an unfavourable climate.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

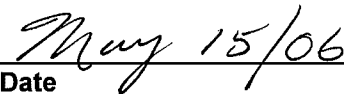
Columbia Shuswap Regional District: Forwarded the application with support.

STAFF COMMENTS:

Staff suggests that the Commission undertake a site visit and determine, what, if any impacts exclusion will have on the subject property, or the adjoining farm operation within the ALR.

END OF REPORT


Signature


Date