



**Agricultural Land Commission**  
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October 12, 2006

Reply to the attention of Terra Kaethler  
ALC File # H - 36785

RG Holtby  
670 -17<sup>th</sup> St, SE  
Salmon Arm, BC V1E 1W2

Dear Mr. Holtby:

Re: Application to exclude land from the Agriculture Land Reserve

Please find attached the Minutes of Resolution #495/2006 outlining the Commission's decision as it relates to the above noted application.

Please be advised that a copy of the decision has not been sent to the applicant. As agent it is your responsibility to inform your client.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of Columbia Shuswap (ALC.301)

TK/lv/Encl.: Minutes  
36785d1

**A meeting was held by the Provincial Agricultural Land Commission on September 29, 2006 at the Ministry of Agriculture and Lands office located at 4607 - 23<sup>rd</sup> Street, Vernon, BC.**

<b>PRESENT:</b>	Sue Irvine	Chair, Okanagan Panel
	Sharon McCoubrey	Commissioner
	Sid Sidhu	Commissioner
	Terra Kaethler	Staff
	Martin Collins	Staff

**For Consideration**

Application # H- 36785

Land Owners: Nechvatel, Grieve, Appeldoorn, Grieves

Proposal: To exclude a 3 ha and a 3.7 ha property from the ALR for residential development.

Legal: 1. PID: 006-077-137

Lot B, Section 12, Township 20, Range 10, W6M, Kamloops Division of Yale District, Plan 24221;

2. PID: 006-953-832

Lot A, Section 12, Township 20, Range 10, W6M, Kamloops Division of Yale District, Plan 22344, EXCEPT Plan KAP53247;

Location: 2310 10th Avenue SE and 1400 20th Street SE

**Site Inspection**

A site inspection was conducted on September 29, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey and Sid Sidhu
- Staff: Terra Kaethler and Martin Collins
- Agent: Bob Holtby
- Agents: Jim and Alexis Grieve

Mr. Holtby confirmed that he received the staff report dated September 19, 2006 and did not identify any errors.

The Commission met with Bob Holtby and Jim Grieve on the adjacent school grounds to view the property from the north. The section of the property bordering the school yard is steeply sloped and mostly treed. The Commission drove to the top of the property to the residence. This section of the property was level, and although not currently being used for agriculture, appeared to have agricultural capability. The Commission also drove to the Western entrance of the second property. This area contained both steep slopes leading down to the schoolyard, and level area on top, bordering a field (ALR).

The agent expressed his interest in developing the parcels for large residential estates.

**Context**

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

**Discussion**

**Assessment of Agricultural Capability**

The Commission considered the capability for agriculture on the properties and assessed that portions of the parcels were capable of agricultural development.

**Assessment of Impact on Agriculture**

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land. The exclusion would leave a strip of ALR to the east of the subject properties that would be surrounded on three-sides by non-ALR uses. Therefore, the Commission believes the proposal would impact existing or potential agricultural use of the surrounding ALR land. Furthermore, the Commission recognized that the lands under application currently serve as a good transition between urban and rural land use.

**Assessment of Community Need**

The City of Salmon Arm did not support the application on the grounds that it was not compatible with its OCP policies. The 2004 Development Services report concluded that the existing land base is sufficient to accommodate substantial growth of residential development within its boundaries.

**Conclusions**

1. That the land under application is suitable for agricultural use and that portions of the land have good agricultural capability.
2. That the proposal will negatively impact agriculture.
3. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve and protect agricultural land.

**IT WAS**

**MOVED BY:** Commissioner Sidhu

**SECONDED BY:** Commissioner McCoubrey

THAT the application be refused as proposed.

**CARRIED**

**Resolution # 495/2006**



**Staff Report**  
**Application # H – 36785**  
**Applicants: Rain Dixie Nechvatel, Les Greaves**  
**and Jim Grieve**  
**Agent: Bob Holtby**

**DATE RECEIVED:** June 26, 2006

**DATE PREPARED:** September 19, 2006

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

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

**PROPOSAL:** To exclude a 3 ha and a 3.7 ha property from the ALR for residential development.

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

**BACKGROUND INFORMATION:**

Under application #H-28541, the Commission considered boundary adjustments in Salmon Arm. At that time, the Commission agreed in principle to the exclusion of a portion of the subject properties, subject to buffering. However, when the block application was put forward under application #N-31728, the properties were not proposed or considered. The property to the north of Lot B (0.8 ha) where the school is located was excluded.

**Local Government:**

District of Salmon Arm

**Legal Description of Properties:**

1. PID: 006-953-832  
Lot A, Section 12, Township 20, Range 10, W6M, Kamloops Division Yale District, Plan 22344, Except Plan KAP53247
2. PID: 006-077-137  
Lot B, Section 12, Township 20, Range 10, W6M, Kamloops Division Yale District, Plan 24221

**Purchase Dates:**

Lot A – January 2006, Lot B – September 1992

**Location of Properties:**

2310 10th Avenue SE and 1400 20th Street SE

**Size of Properties:**

6.7 ha (Both properties are entirely in the ALR).

**BACKGROUND INFORMATION (continued):**

**Present use of the Properties:**

Homesite, gardens and bush

**Surrounding Land Uses:**

**WEST:** 20th Street, residential subdivision  
**SOUTH:** Small holdings, hay land  
**EAST:** Grieve/Greaves Property  
**NORTH:** School Yard

**Agricultural Capability:**

Data Source: Agricultural Capability Map # B. McBride  
The majority of the properties are identified as having Mixed Prime and Secondary ratings.

**Official Community Plan and Designation:**

City of Salmon Arm OCP Bylaw No. 3000  
Designation: Acreage Reserve

**Zoning Bylaw and Designation:**

City of Salmon Arm Zoning Bylaw No. 2303  
Designation: Zoned A-2 & A-3  
Minimum Lot Size: A-2, 4.0 ha, A-3, 2.0 ha

**PREVIOUS APPLICATIONS:**

**Application #11486-0 (Re: Lot A)**

**Applicant:** William P. Wilson  
**Decision Date:** May 6, 1981  
**Proposal:** To exclude the northerly 0.4 ha fronting onto 10<sup>th</sup> Avenue to subdivide the area into three (3) residential lots.  
**Decision:** Allowed - on the grounds that the exclusion would not negatively affect the ALR.

**Application #28541-0 (Re: Lot A and Lot B)**

**Applicant:** Provincial Agricultural Land Commission  
**Decision Date:** November 18, 1993  
**Proposal:** To identify areas for ALR boundary amendment.  
**Decision:** Areas identified for inclusion and exclusion. A portion of the subject properties was identified for exclusion, subject to buffering.

**RELEVANT APPLICATIONS:**

**Application #31728-0**

**Applicant:** Provincial Agricultural Land Commission  
**Decision Date:** February 23, 1998  
**Proposal:** To exclude lands from in the District of Salmon Arm totalling 294 ha. The purpose of the exclusion is to provide lands for industrial development as well as recognize existing non-agricultural uses and poor capability lands adjacent to hillsides.  
**Decision:** Amended the proposal, reducing the exclusion area by about 90 ha due to concerns about non-industrial uses developing on lands designated light industrial if they were prematurely excluded and reasonable agricultural capability.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**City of Salmon Arm:** The application be authorized for submission.

**City of Salmon Arm Development Services:** Does not support the application in view of OCP policies, previous exclusion applications in the area, the bylaw amendments required to accommodate the proposal and the amount of land available for residential development within the existing boundaries of Development Area 'A'.

**STAFF COMMENTS:**


Staff suggests the Commission consider the following:

- The properties have agricultural capability.
- The 2004 Development Services Department report concluded that the existing land base within Area 'A' is sufficient to accommodate approximately 1,500 additional single family residential lots (since 2004, approximately 150 single family residential lots have been created in Area 'A').
- If allowed, the exclusion would leave a strip of ALR to the east of the subject properties that would be surrounded on three sides by non-ALR.

**ATTACHMENTS:**

- ALR Base Map: 82L/11 - 1:50,000
- ALR Constituent 21
- City of Salmon Arm Development Services staff report (contains excerpts from report prepared by agent for the application)
- June 3, 1997 Commission decision letter regarding application #H-28541
- Map #4 from file #H-31729

**END OF REPORT**

  
\_\_\_\_\_  
Signature

Sept 19, 06  
\_\_\_\_\_  
Date