



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

October 11, 2006

Reply to the attention of Brandy Ridout  
ALC File #H-36790

Bob Holtby  
670 – 16<sup>th</sup> Street SE,  
Salmon Arm, B.C. V1E 1W2

Dear Sir:

**Re: Application to subdivide in the Agriculture Land Reserve**

Please find attached the Minutes of Resolution #492/2006 outlining the Commission's decision as it relates to the above noted application.

Be advised it is your responsibility as agent to inform the applicant of the Commission's decision. No information has been mailed directly to the applicant.

Please forward two paper prints of the approved subdivision to this office in advance of commencing registration procedures at the Land Title Office. The Commission will then authorize the Registrar of Land Titles to accept deposit of the subdivision plans.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'E. Karlsen', is written over the 'Per:' label.

Erik Karlsen, Chair

cc: Columbia Shuswap Regional District (LC2340-D)

BR/lv/Encl.: Minutes  
36790d1

## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 29<sup>th</sup>, 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-36790

Applicant(s) Ross Munsey

Proposal: To subdivide the 12.8 ha property into two 5 ha lots and a 2 ha lot.

Legal PID: 026-654-032

Lot 2, Section 30, Township 17, Range 10, W6M, Kamloops Division Yale District, Plan KAP 80880

Location - 3660 Salmon River Rd.

### Site Inspection

A site inspection was conducted on September 28, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey and Sid Sidhu
- Staff: Terra Kaethler and Martin Collins
- Bob Holtby
- Ross Munsey

Bob Holtby confirmed that he received the staff report dated September 11, 2006, and that it did not contain any errors.

The Commission viewed the 2 ha homesite area containing the homes and outbuildings. It noted that the 2 ha area was divided from the 10 ha remainder by a very steep embankment. The Commission also viewed the upland 10 ha which was characterized rolling terrain and sparse tree growth, confirming the mapped Canada Land Inventory soil capability ratings for the property (i.e. limitations of poor moisture retention and topography). No agricultural development or buildings were observed on the upland area. The large property (Lot A, Plan 46001) to the south has been irrigated and developed for agriculture. The applicant indicated that water in the quantities necessary for irrigation was difficult to find and expensive to access.

**Discussion**

The Commission recalled it had reviewed very few previous applications in this area, and that parcels sizes on the upper bench were predominantly in the 8-10 ha range. Although the upper benchland required irrigation water to be developed intensively for agriculture, the present lack of development did not, in the Commission's mind, preclude the possibility that the land could be used for farming. The Commission believed that subdivision into 5 ha lots would reduce, rather than enhance, agricultural development, and increase pressure for continued subdivision into smaller rural residential lots. The Commission believed that if water was made available (as has occurred on the adjoining property), the 10 ha area could be developed for agriculture.

The Commission was prepared to allow the subdivision of the 2 ha homesite area (fronting Salmon Valley Rd) from the 10 ha remainder on the grounds the topographic break constituted a significant impediment to using the property as a single agricultural unit.

**IT WAS**

**MOVED BY:** Commissioner McCoubrey

**SECONDED BY:** Commissioner Sidhu

THAT the application to subdivide the 12.8 subject property into one 2 ha and two 5 ha lots be refused as proposed. However, the Commission allowed the subdivision of a single 2 ha lot from the property as divided by the escarpment.

AND THAT the approval is subject to the following conditions:

- The subdivision be in substantial compliance with the attached plan
- Approval is granted to the applicant only and is valid for three (3) years from the date of this decision.

This decision does not relieve the owner or occupier of the responsibility to comply 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.

**CARRIED**

**RESOLUTION # 492/2006**

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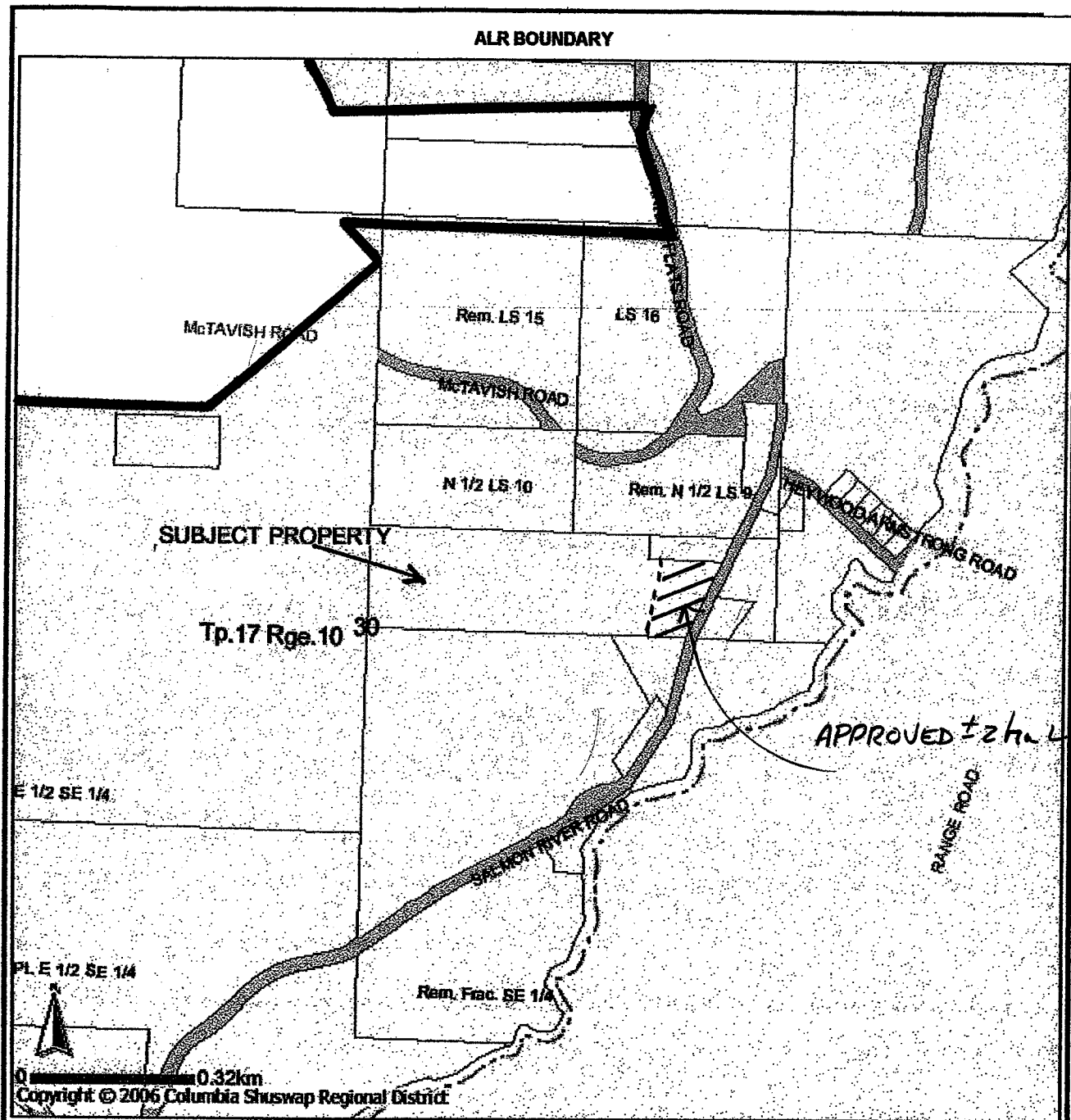
- The subdivision be in substantial compliance with the attached plan
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**CARRIED**

**RESOLUTION # 492/2006**

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Provincial Agricultural Land Commission  
 Application # 36790  
 Resolution #492/2006

2 ha lot approved for subdivision

Scale 1:12093



**Staff Report**  
**Application # H – 36790**  
**Applicant: Ross Munsey**  
**Agent: Bob Holtby**  
**Location: South of Salmon Arm**

**DATE RECEIVED:** June 28, 2006

**DATE PREPARED:** September 11, 2006

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

**FROM:** Brandy Ridout, Land Use Planner

**PROPOSAL:** To subdivide the 12.8 ha subject property along base of hillside to create a 2 ha parcel adjacent to the Salmon River Road and two 5 ha lots on the upper portion.

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

**BACKGROUND INFORMATION:**

The applicants recently completed a boundary line adjustment with their neighbours to the north to allow access to the upper portion of their property via McTavish Road (application made pursuant to BC Regulation 171/2002).

**Local Government:**

Columbia Shuswap Regional District

**Legal Description of Property:**

PID: 026-654-032  
Lot 2, Section 30, Township 17, Range 10, W6M, Kamloops Division Yale District, Plan KAP80880

**Purchase Date:**

December 1984

**Location of Property:**

3660-3678 Salmon River Road, Heywood corner area

**Size of Property:**

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

**BACKGROUND INFORMATION (continued):**

**Present use of the Property:**

Lower portion has 2 single family dwellings (one is a mobile home), barn, shed, hay shed and shop, upper portion rough cleared but undeveloped.

**Surrounding Land Uses:**

**WEST:** Treed acreage, gravel pit  
**SOUTH:** Agriculture, Salmon River Road  
**EAST:** Agriculture  
**NORTH:** Cleared field

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82L/6  
The majority of the property is identified as having Secondary ratings.

**Official Community Plan and Designation:**

Salmon Valley Land Use Bylaw No. 2500  
Designation: Rural  
Min. Lot Size: 60 ha

**RELEVANT APPLICATIONS:**

**Application #19501-0**

**Applicant:** Richard Stanley  
**Decision Date:** March 11, 1986  
**Proposal:** To subdivide the 16 ha property as divided by McTavish Road.  
**Decision:** Allowed.

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**Application #20521-0**

**Applicant:** Ruby, Kathleen  
**Decision Date:** October 22, 1986  
**Proposal:** To subdivide a 37.2 ha property into two lots of 12 and 25 ha.  
**Decision:** Allowed.

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**Application #20769-0**

**Applicant:** Larry and Winnie Needoba  
**Decision Date:** January 12, 1987  
**Proposal:** To subdivide a 3.9 ha lot from the 48.2 ha property.  
**Decision:** Approved in lieu of homesite severance in the future.

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**Application #27924-0**

**Applicant:** E. & C. Needoba  
**Decision Date:** July 15, 1993  
**Proposal:** To subdivide along McTavish Road to create a 1 ha lot for use by applicant's daughter and a 7 ha remainder.  
**Decision:** Refused on the grounds that the subject property is located in an area with significant ranching activity and increased residential development could lead to conflict. Reconsidered as the applicants were unable to act on a lot previously approved under application #20769 and that this other property had been sold. Allowed subject to fencing along the northern boundary of the approved lot.

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**Application #34019-0**

**Applicant:** Herbert & Daina Schindelka  
**Decision Date:** February 6, 2002  
**Proposal:** To subdivide a 19 ha property as divided by the Salmon River Road.  
**Decision:** Approved on the grounds that it was consistent with previous decisions.

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**Application #34367-0**

**Applicant:** Andrew & Patricia Peebles  
**Decision Date:** July 23, 2002  
**Proposal:** To subdivide the 4.2 ha parcel into four lots of approximately 1 ha each.  
**Decision:** Refused on the grounds that the property has good agricultural capability, can support a hay field and subdivision would reduce the agricultural options available on the property.

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**Application #36845-0**

**Applicant:** Donald & Joyce Needoba  
**Proposal:** To subdivide the property into one +2ha (4.94 acres) parcel and a remainder 3.79 ha (9.36 acres).  
**Decision:** In process

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Columbia Shuswap Regional District Board:** Concur with staff report.

**CSRD Development Services:** Recommend the application be forwarded with a recommendation for approval of the 2 ha homesite parcel only, subject to a successful application under Section 946 of the *Local Government Act* and that the remainder as shown on the subdivision plan submitted with the application remain as one parcel.

**STAFF COMMENTS:**

Staff suggests the Commission consider the following:

- Previous subdivision applications in the area have been approved on the basis of division by a road or homesite severance.
- The Commission has refused application to create small lots in this area as it could lead to conflict between residential and agricultural uses.
- The applicants' agent states that as the land is not arable and there is no active farming in the area, the subdivision will not have any effect on agriculture. A site visit would help determine if the property has agricultural capability and the land use of the surrounding area.

**ATTACHMENTS:**

- ALR Base Map: 82L/6 - 1:50,000
- ALR Constituent Map 15c – 1:10,000
- Report prepared by agent for application
- Columbia Shuswap Regional District Staff Report

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END OF REPORT

Signature

Date

Sept 11, 06