



Agricultural Land Commission
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October 11, 2007

Reply to the attention of Brandy Ridout
ALC File: # H - 35536

Lloyd Lyons
RR1 - Site 22 - Comp 9
Sorrento, BC V0E 2W0

Dear Sir:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 487/2007 outlining the Commission's decision as it relates to the above noted application.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:


Erik Karlsen, Chair

cc: Columbia Shuswap Regional District (LC2306-C)

Enclosure: Minutes/Sketch Plan

BR/lv
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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 20, 2007, in Oliver, B.C.

PRESENT:	Sue Irvine	Chair, Okanagan Panel
	Monika Marshall	Commissioner
	Sid Sidhu	Commissioner
	Brandy Ridout	Staff
	Martin Collins	Staff

For Consideration

Application: # H - 35536
Applicant: Lloyd Lyons
Proposal: To reconsider Resolution #449/2004 on the basis of a revised proposal to amend the boundary between two adjoining lots, one of 0.8 ha and the other of 57.4 ha to create two approximately 29 ha lots.
Legal: PID: 003-704-076
The North West 1/4 of, Section 12, Township 22, Range 11, W6M, Kamloops Division of Yale District, EXCEPT Plans 23838 and 37068
Location: Notch Hill/Sorrento

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

The Commission did not support the original subdivision proposal because it believed subdivision into two 29 ha lots would not be as supportive of agricultural development as retaining the 57 ha parcel in its current size. The Commission holds the view that parcels need to be large in this area to support the prevailing forage/pasture uses. Furthermore the Commission believed another residence would be introduced into this farm area if the subdivision as proposed was allowed.

The revised proposal intends to consolidate an existing 0.8 ha rural residential lot into one of the 28 ha parcels thereby eliminating the introduction of a non farm residence, balancing the negative impact of reducing the overall parcel size.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal to subdivide and consolidate will not impact agriculture.
4. That the proposal is consistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner S. Irvine

SECONDED BY: Commissioner S. Sidhu

That no persons were affected by the reconsideration;

THAT the proposed subdivision of the 57.4 ha property into two 28.7 ha lots be allowed subject to;

- the consolidation of the adjoining 0.8 ha lot with one of the 28.7 ha lots
- the subdivision/consolidation be in substantial compliance with the attached sketch plan
- the subdivision must be completed within three (3) years from the date of this decision.
- approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.

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 # 487/2007



Staff Report
Reconsideration of Application # H – 35536
Applicant: Lloyd Lyons
Location: Notch Hill, south of Sorrento

DATE RECEIVED: June 27, 2007

DATE PREPARED: August 28, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To amend the boundary between two adjoining lots, one of 0.8 ha and the other of 57.4 ha to create two lots of roughly equal size.

This reconsideration is made pursuant to section 33 of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The Commission originally refused an application for the subdivision of the 57 ha property into two lots of equal size on the grounds in this area forage based agriculture requires larger properties. The applicant has had three previous application prior to this application. See below for details.

Local Government:

Columbia Shuswap Regional District

Legal Description of Property:

PID: 003-704-076

The North West 1/4 of, Section 12, Township 22, Range 11, W6M, Kamloops Division of Yale District, EXCEPT Plans 23838 and 37068

Purchase Date:

1970-08-01

Location of Property:

Notch Hill/Sorrento

Size of Property:

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

Present use of the Property:

Residence and farm outbuildings, 32 ha forest, 14 ha pasture and 10 ha hayfield.

Surrounding Land Uses:

WEST: 25 ha and 30 ha properties in forest and pasture.
SOUTH: 28 ha property in forest and pasture
EAST: 57 ha forested property
NORTH: Rural residential 2-4 ha lots – largely forested

Agricultural Capability:

Data Source: Agricultural Capability Map # 82L/14
The majority of the property is identified as having prime dominant ratings.

Official Community Plan and Designation:

A1- Agriculture 1

Zoning Bylaw and Designation:

AR1 - Agriculture zone Minimum lot size is 20 ha.

PREVIOUS APPLICATIONS:

Application #04414-0

Applicant: Lyons, LV & BJ
Decision Date: August, 1977
Proposal: To subdivide a 2 ha lot from the 57 ha property.
Decision: Refused.

Application #19342-0

Applicant: Lyons, Lloyd & Betty
Decision Date: August 20, 1985
Proposal: To subdivide the 58 ha property into two lots of 2 ha and 56 ha or three lots of 2 ha and 32 ha and 24 ha.
Decision: Refused as proposed on the grounds that the subdivision would reduce the overall agricultural potential of the property and create a negative impact on the surrounding ALR area. The Commission indicated it was prepared to favorably consider a 0.8 ha lot for the applicant's son.

Application #22908-0

Applicant: Lyons, Betty & Lloyd
Decision Date: April 12, 1990
Proposal: To increase the 0.8 ha lot to 4.7 ha and to subdivide the remainder of the northwest quarter into a 2.0 ha, 9.6 ha and 42.5 ha lot
Decision: Refused on the grounds that the property has capability to be used for agricultural production. The land should remain in its present parcel size to retain its agricultural options. This subdivision could set a precedent for further subdivisions in this area.

RELEVANT APPLICATION:

1. **Application #** 24900-0
Applicant: Messer, Simon and Eleonore
Decision Date: March 4, 1991
Proposal: To subdivide four 2 ha lots from the 32 ha property.
Decision: Refused due to reduced agricultural capability.
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LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The Columbia Shuswap Regional District Board and Development Services staff supported this application.

STAFF COMMENTS:

Staff recommends that the Commission consider the following points:

- the property has an improved agricultural capability rating of class 2 (30%), 3 (50%) and 4 (20%), with topography, moisture and stoniness limitations. The Commission's staff agrologist indicated in a 1990 agricultural capability report for this property that the majority of the property is suitable for forage production and that the parcel sizes should remain as large as possible to produce forage for the extensive beef industry in the area.
 - The applicant and the Regional District note that there is limited agricultural activity on the parcels surrounding the subject property.
 - The Commission approved a subdivision in lieu of homesite severance on the property for the applicant's son in 1985 (file #19342).
 - The proposal to eliminate the homesite lot in favor of two agricultural parcels has some merit in that it would eliminate one non farm parcel from this area (which has a number of small parcels adjoining and intruding into it).
 - The question before the Commission is whether the benefit of eliminating a small lot in this area, balances the potential decreased economic return that will occur on two smaller lots of 29 ha. A farm operator would have a greater carrying capacity for cattle on a 57 ha lot, than on a 29 ha lot. However, two lots might increase potential that either would be used for farming.
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ATTACHMENTS:

- Applicant's sketch plan
- 1:10,000 ALR map
- Airphoto

END OF REPORT

Signature

Date