



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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February 23, 2007

Reply to the attention of Brandy Ridout  
ALC File: #H - 37082

John and Donna Sharp  
RR1 - SB, Comp 51  
Falkland, BC V0E 1W0

Dear Sir/Madam:

**Re: Application to subdivide land within the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 20/2007 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 Karsen, Chair

cc: Columbia Shuswap Regional District (#LC2344-D)

Enclosure: Minutes/Sketch Plan

MC/lv  
37082d1

Rural Residential - 1 house  
Range 11

Small hobby farm

Range 10

Small hobby farm

CROWN LAND

E 1/4

FRAG. LS 5

Rem. S 1/2 of S 1/2  
W of Plan M50  
SUBJECT

Property to be subdivided  
as per application  
of this property.

50 acres

APPROVED  
1.3 ha LOT

Rural Residential  
- 1 house

W of RM Plan M50

Pt. LS 14

O'NEIL ROAD

Indian Reserve

Plan A-922

SALMON RIVER BENCH ROAD

O'NEIL ROAD

CANADIAN  
HIGHWAY

Rural Residential  
LS 14

Rem.

CN Railway

Plan Rural Residential  
27311

Rural Residential  
- one house

Rem. S 1/2

Plan H-17

HIGHWAY

Rem.  
LS 15

Rural Residential

Plan H363 Hwy 97 N

Rural Residential

25889

ALR Boundary  
(approximate)

HEART LAKE

APPLICATION # H-37082  
RESOLUTION # 20/2007

UNOFFICIAL  
COPY



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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A meeting was held by the Provincial Agricultural Land Commission on February 12, 2007 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

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

### For Consideration

Application: # H- 37082  
Applicant: John and Donna Sharp  
Proposal: To subdivide a 1.3 ha lot from the 24 ha subject property as divided by O'Neil Road  
Legal: PID: 013-675-885  
That part of the south 1/2 of the South 1/2 of, Section 19, Township 17, Range 10, W6M, Kamloops Division of Yale District lying to the West of the Boundary of M50  
Location: South of Glenemma - Electoral Area "D"

### Site Inspection

No site inspection was conducted.

### Discussion

The Commission reviewed the ALR maps and the agricultural capability mapping for the property and previous decisions on ALR applications on nearby properties. It noted that only half of the proposed 1.3 ha lot could be situated in the ALR, that the land was comprised largely of secondary soils, and that O'Neil Road was a hindrance to utilizing the parcel as an agricultural unit.

### Conclusions

1. That the 1.3 ha area under application for subdivision has limited agricultural capability due to poor soils, small size, and is largely unsuitable for agricultural uses.
2. That the subdivision proposal will not affect agriculture.

### IT WAS

**MOVED BY:** Commissioner Sue Irvine  
**SECONDED BY:** Commissioner Sharon McCoubrey

THAT the application to subdivide a 1.3 ha lot from the 24 ha property as divided by O'Neil Road be allowed.

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the attached plan
- the subdivision must be completed within 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 # 20/2007**



**Staff Report**  
**Application # H – 37082**  
**Applicant: John and Donna Sharp**  
**Location: South of Glenemma**

**DATE RECEIVED:** November 23, 2006

**DATE PREPARED:** January 11, 2007

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

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

**PROPOSAL:** To subdivide a 1.3 ha lot from the 24 ha subject property as divided by O'Neil Road.

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

**BACKGROUND INFORMATION:**

The applicants state that the 1.3 ha area is isolated from the main property by O'Neil Road. Irrigation rights on Moffat Creek are not sufficient to supply water to the smaller separate area. The 1.3 ha area has its own drilled well.

**Local Government:**

Columbia Shuswap Regional District

**Legal Description of Property:**

PID: 013-675-885

That part of the south ½ of the South ½ of Section 19, Township 17, Range 10, W6M, Kamloops Division Yale District lying to the West of the Boundary of M50

**Purchase Date:**

May 2003

**Location of Property:**

4124 O'Neil Road, Electoral Area "D", south of the junction of Salmon River Rd. and Highway #97

**Size of Property:**

24 ha (Only about 10 ha of the property lies within the ALR).

**BACKGROUND INFORMATION (continued):**

**Present use of the Property:**

Residence, partially cleared as rough pasture, cabin, shop and a 4 bay shed.

**Surrounding Land Uses:**

**WEST:** Rural residential (not in the Agriculture Land Reserve)  
**SOUTH:** Crown land and rural residential parcels not in the ALR  
**EAST:** Canadian National Railway, rural residential properties and Highway 97  
**NORTH:** Okanagan Indian Reserve No. 1

**Agricultural Capability:**

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

**Official Community Plan and Designation:**

Salmon Valley Rural Land Use Bylaw No. 2500  
Designation: RU Rural Holdings which permits a minimum lot size of 8 ha

**RELEVANT APPLICATIONS:**

**Application #26073-0**

**Applicant:** D & G Easthorpe  
**Decision Date:** April 14, 1992  
**Proposal:** To subdivide the 5.3 ha south of the railway tracks from the 29.4 ha subject property and then further subdivide this area into 3 small residential lots.  
**Decision:** Refused on the grounds that small lot subdivision reduces the agricultural potential of ALR lands. However, as the Commission agrees that the 5.3 ha area is isolated from the remainder of the property, it would be willing to permit the creation of a 5.3 ha lot south of the railway right of way.

**Application #26432-0**

**Applicant:** Walter Schweb  
**Decision Date:** July 16, 1992  
**Proposal:** To subdivide a 0.9 ha homesite from the 16.3 ha subject property.  
**Decision:** Refused on the grounds that the creation of a small residential subdivision reduces the agricultural potential of ALR lands and the applicant's principle residence is not located on this property and so he does not qualify for a subdivision under the *Homesite Severance Policy*. However, the Commission would be willing to reconsider the subdivision if it was along the railway right of way and the remainder of the property was consolidated with an adjacent parcel.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

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

**CSRSD staff:** Recommend approval. The property is compromised by topography and would sustain only limited hobby farm type agriculture. The proposed subdivision of one additional parcel within this area would not have a negative effect on the agricultural community.

**STAFF COMMENTS:**


Staff suggests that the Commission consider the following:

- The 1.3 ha area is divided from the remainder by O'Neil Rd.
- The agricultural capability of the property is limited due to stony soils and topography.
- About half of the proposed new lot does not lie within the ALR.

**ATTACHMENTS:**

- ALR Base Map (1:50,000 scale)
- Applicant's sketch map
- Air photo

**END OF REPORT**

  
\_\_\_\_\_  
Signature

Jan 17, 07  
\_\_\_\_\_  
Date