



**Agricultural Land Commission**  
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Burnaby, British Columbia V5G 4K6  
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September 28, 2007

Reply to the attention of Brandy Ridout  
ALC File: #H - 37381

Browne Johnson & Associates  
P.O. Box 362  
Salmon Arm, BC V1E 4N5

Dear Mr. G.S. Browne:

Re: Application for Transportation, Utility and Recreational Trail Uses in the  
Agricultural Land Reserve

Please find attached the Minutes of Resolution # 467/2007 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client accordingly.

If your client wishes to pursue the enclosed resolution, please arrange for the submission of an inclusion application. When the inclusion application has been finalized, please send two (2) paper prints of the final survey plans to this office and the Commission will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a white background.

Erik Karlsen, Chair

cc: Columbia Shuswap Regional District (LC2184-E)

Enclosure: Minutes/Sketch Plan

BR/lv  
37381d1





## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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

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

### For Consideration

Application: # H- 37381  
Applicant: Sharon Winnefred Gavel  
Agent: Browne Johnson & Associates  
Proposal: To subdivide a lot outside the Agricultural Land Reserve (ALR) that will include a road dedication portion through the ALR.  
Legal: PID: 016-653-581  
The Fractional North ½ of the South East ¼, Section 7, Township 22, Range 7, West of the 6th Meridian, Kamloops Division Yale District, Except Part Shown on Plan 633A9, SRW Plan 15917 and NEP73399  
Location: Silta Road, Sicamous

### Site Inspection

A site inspection was conducted on September 18, 2007. Those in attendance were:

- Sue Irvine Chair, Okanagan Panel
- Sid Sidhu Commissioner
- Monika Marshall Commissioner
- Brandy Ridout Staff
- Martin Collins Staff
- Terry Rysz Applicant's husband

Mr. Terry Gavel confirmed that the staff report dated May 31, 2007 was received and no errors were identified.

### 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**

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the majority of the soil of the subject property is 60% Class 4 with limitations of soil moisture deficiency and stoniness and 40% Class 7 with limitations of topography and adverse climate.

Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

Class 7 – Land in this class has no capability for arable or sustained natural grazing

### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. It noted that the ALR area required for access to the proposed Lot 1 would be approximately 0.4 ha. An access road along the northerly boundary of the property would require the use of land that had been developed for pasture.

The Commission noted that a portion of the property lying to the east of the proposed road could potentially be used for agriculture but was not in the ALR. The Commission believed the inclusion of this area (approximately 1.8 ha) would offset any negative impact of the proposed road on the subject property. In addition, the Commission believed that the road would be a more effective ALR boundary.

### **Conclusions**

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. The negative impact of using a portion of the property as an access road would be offset by the inclusion of approximately 1.8 ha into the ALR.

### **IT WAS**

**MOVED BY:** Commissioner Sidhu

**SECONDED BY:** Commissioner Irvine

THAT the application be allowed on the grounds that the any negative impact of the proposed road on the subject property would be alleviated by the inclusion of the non-ALR area east of the road. In addition, the road would be a more effective ALR boundary.

AND THAT the approval is subject to the following conditions:

- The road dedication be in substantial compliance with the plan submitted with the application.
- The inclusion of the non-ALR area lying to the east of the proposed road.
- 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 # 467/2007



**Staff Report**  
**Application # H – 37381**  
**Applicant: Sharon Winnefred Gavel**  
**Agent: Browne Johnson & Associates**

**DATE RECEIVED:** April 04, 2007

**DATE PREPARED:** May 31, 2007

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

**FROM:** Jennifer Carson, Land Use Planner

**PROPOSAL:** Applicant wishes to subdivide along the ALR boundary. However, in order to do so a road dedication through the Agricultural Land Reserve is required. The applicants note that they have included the small portion of property lying west of Silta Road as part of the road dedication to enhance access to the proposed Lot 1. This application is made pursuant to Part 4 Section 6 of BC Regulation 171/2002 (*Agricultural Land Reserve Use, Subdivision and Procedure Regulation*).

**BACKGROUND INFORMATION:**

**Local Government:**

Columbia Shuswap Regional District

**Legal Description of Property:**

PID: 016-653-581

The Fractional North 1/2 of the South East 1/4, Section 7, Township 22, Range 7, West of the 6th Meridian, Kamloops Division of Yale District, Except Part Shown on Plan 633A9, SRW Plan 15917 and NEP73399

**Location of Property:**

Silta Road, Sicamous

**Size of Property:**

19.8 ha (A portion of the property is in the ALR).

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82L/15

The majority of the property is identified as having Primary and Secondary ratings.

**PREVIOUS APPLICATIONS:**

**Application #29424-0**

**Applicant:** Gavel, Michael & Sharon  
**Decision Date:** January 19, 1995  
**Proposal:** To subdivide the 26.8 ha property into two lots of 0.7 ha and 26.1 ha.  
**Decision:** Refused the proposal because of potential conflict between the resident and the farm community.

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**Application #29424-1**

**Applicant:** Gavel, Michael & Sharon  
**Decision Date:** October 21, 1997  
**Proposal:** The applicants wish to subdivide the 26.8 ha property along Solsqua and Samuelson Roads to create a 0.7 ha lot and a 26.1 ha remainder.  
**Decision:** Refused due to reasons of impact and precedent resulting from parcelization in the area.

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**Application #29424-2**

**Applicant:** Gavel, Michael & Sharon  
**Decision Date:** November 21, 2000  
**Proposal:** Subdivide across Samuelson Road, creating a residential parcel of 0.7 ha and a 26.1 ha remainder  
**Decision:** Allowed as requested.

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**Application #05945-0**

**Applicant:** ALC & RD  
**Decision Date:** June 01, 1978  
**Proposal:** Inclusion - Exclusion of lands in the Eagle Valley between Sicamous and Craigellachie  
**Decision:** Cabinet approved inclusion by OIC (19.0 ha).

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**Application #05945-1**

**Applicant:** Agricultural Land Commission  
**Decision Date:** June 01, 1978  
**Proposal:** Block exclusion of 1818.6 ha in the Eagle Bay area  
**Decision:** Exclusion allowed by Cabinet of 1818.6 ha as requested. This resolution number is used to enter statistical information relating to the area under application and subsequent decision by Cabinet.

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**STAFF COMMENTS:**

It is recommended that the Commission consider the following:

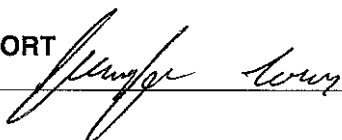
- The total area of ALR land affected by the proposal is not quantified in the proposal.
- In a letter from the Ministry of Transportation the applicants were advised to engage a qualified Professional Engineer experienced in Geotechnical Engineering to provide them with recommendations as to the possibility of a landslip occurring as a result of the road construction.

**ATTACHMENTS:**

1. ALR Map
2. Soil Capability Map
3. Aerial Photograph
4. Sketch of proposal
5. Letter from Ministry of Transportation (2 pages)

END OF REPORT

Signature



Date

June 1, 2007