



Agricultural Land Commission
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October 3, 2007

Reply to the attention of Brandy Ridout
ALC File: # H - 37499

Aly and Pauline Aly
RR1 - Comp 19, Cedarhill Road
Falkland, BC V0E 1W0

Dear Mr. and Mrs. Aly:

Re: Application to subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 479/2007 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

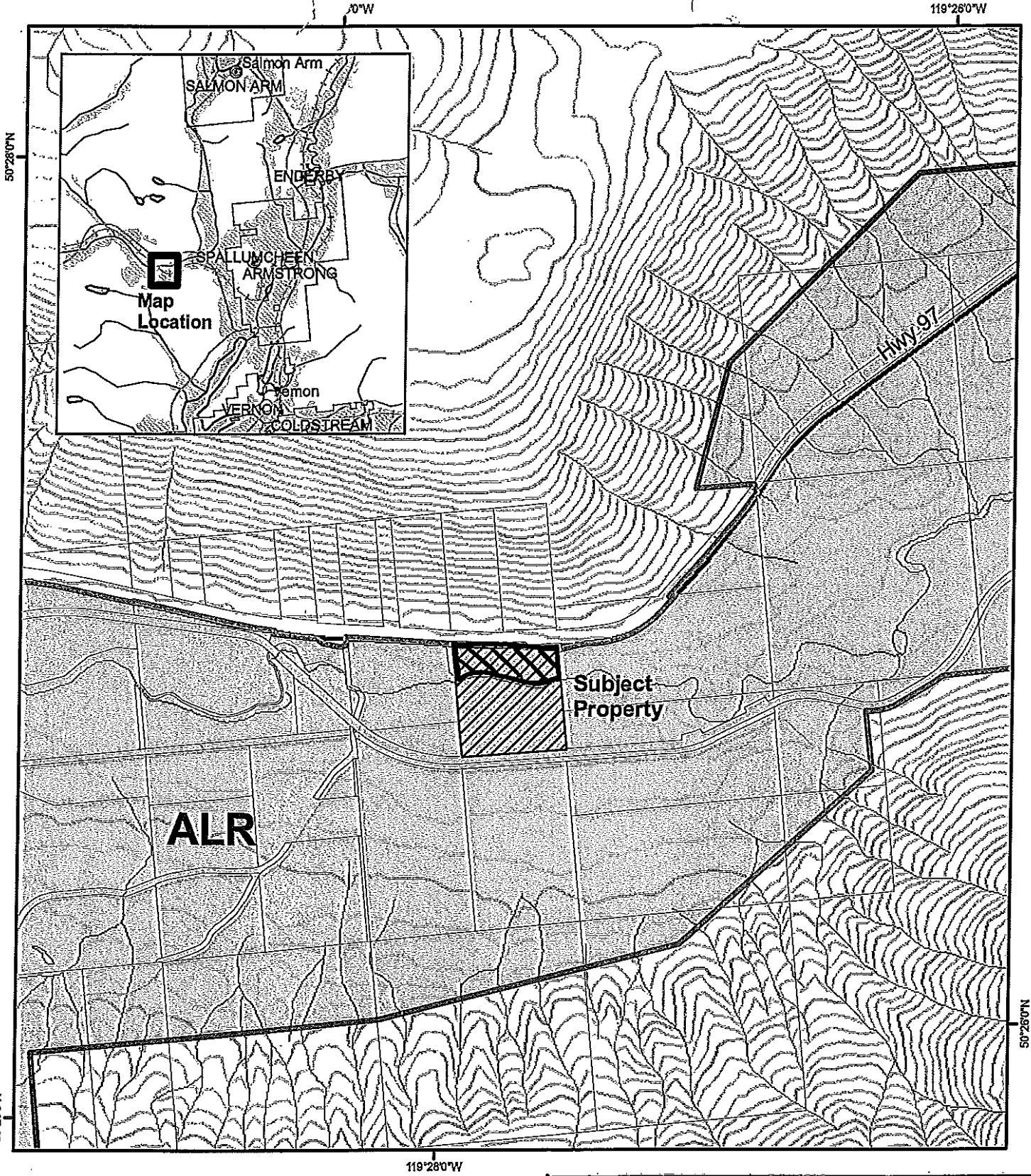
Per:

Erik Karlsen, Chair

cc: Columbia Shuswap Regional District (LC2355-D)

Enclosure: Minutes/Sketch Plan

BR/lv
37499d1



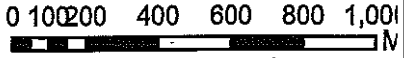
ALR

Subject Property




ALC Context Map

Map Scale: 1:20,000



Provincial Agricultural Land Commission
Application #H-37499
Resolution #479/2007

 6 ha area approved for subdivision in the ALR



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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

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

For Consideration

Application: # H- 37499
Applicant: Aly and Pauline Aly
Proposal: Subdivision for a Relative: To subdivide the 18.2 ha subject property along the Salmon River to create two (2) parcels; one (1) 6 ha lot north of the river and one (1) 12.2 ha lot south of the river.
Legal: PID: 004-374-266
Lot A, Section 16 and 21, Township 17, Range 11, W6M, Kamloops Division Yale District, Plan 29247
Location: 4348 Colebank Road, Cedar Hill Area, Falkland

Site Inspection

A site inspection was conducted on September 19, 2007. Those in attendance were:

- Sue Irvine Chair, Okanagan Panel
- Sid Sidhu Commissioner
- Monika Marshall Commissioner
- Brandy Ridout Staff
- Martin Collins Staff
- Pauline (Lynn) Aly Applicant

As Mrs. Aly had not received the staff report dated September 6, 2007 before the site visit, it was provided at that time. 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 70% Class 3 and 30% Class 4, both with limitations of stoniness and soil moisture deficiency.

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

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

Assessment of Agricultural Suitability

The Commission assessed whether factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission did not believe there are factors that render the land unsuitable for agricultural use.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. It believed the river presented a significant impediment to farming the property as a single unit. As such, the Commission did not believe the subdivision of the property along the river would have a negative impact on existing or potential agricultural use of the subject property or surrounding lands.

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 will not have a negative impact on agriculture.

IT WAS

MOVED BY: Commissioner Sidhu

SECONDED BY: Commissioner Marshall

THAT the application be allowed on the grounds that the river is an impediment to farming the lot as a single unit.

AND THAT the approval is subject to the following conditions:

- The subdivision be in substantial compliance with the plan submitted with the application.
- The distribution of water rights to the two new lots based on area (i.e. 33% to the 6 ha lot and 66% to the 12.2 ha lot).
- the subdivision must be completed within three (3) years from the date of this decision.

Page 3 of 3 Resolution # 479/2007
Application # H-37499

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 # 479/2007



Staff Report
Application # H – 37499
Applicant: Aly and Pauline Aly
Location: Falkland

DATE RECEIVED: June 19, 2007

DATE PREPARED: September 6, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: Subdivision for a Relative: To subdivide the 18.2 ha subject property along the Salmon River to create two (2) parcels; one (1) 6 ha lot north of the river and one (1) 12.2 ha lot south of the river.

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

BACKGROUND INFORMATION:

Local Government:

Columbia Shuswap Regional District (CSRD)

Legal Description of Property:

PID: 004-374-266

Lot A, Section 16 & 21, Township 17, Range 11, W6M, Kamloops Division Yale District, Plan 29247

Purchase Date:

November 1979

Location of Property:

4348 Colebank Road, Cedar Hill Area, Falkland

Size of Property:

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

Present use of the Property:

Single family dwelling, hayfields, horses, agricultural buildings

BACKGROUND INFORMATION (continued):

Surrounding Land Uses:

WEST: Agriculture
SOUTH: CNR, Agriculture
EAST: Agriculture
NORTH: Highway 97, rural residential and treed hillside not within the ALR

Agricultural Capability:

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

Official Community Plan and Designation:

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

PREVIOUS APPLICATIONS:

Application #01559-0

Applicant: Mesa Estates
Decision Date: September 22, 1976
Proposal: To exclude the portion of the 64.7 ha property lying to the north of the highway on the grounds that it is unsuited to agriculture because of the steep slope and the high rock content of the soil.
Decision: Refused as proposed. However, the Commission would allow subdivision of the 64.7 ha subject property along highway 97 thereby creating one parcel north of the highway and one parcel south of the highway.
The subject property is a portion of this property lying to the south of the highway.

Application #04238-0

Applicant: Mesa Estates
Decision Date: May 10, 1977
Proposal: To subdivide the 45.3 ha property into 3 lots. The property used to be part of a larger property (64.7 ha) that was approved for subdivision along highway 97.
Decision: Refused on the grounds that the parcel should remain in its present size for most efficient use as a farming unit. The Commission noted that the Regional District rejected the proposal on the grounds that separations made by the railway and river did not constitute a valid reason for subdivision. There is a private railway crossing on the property and a bridge on Cedar Hill Road that makes crossing the river a simple matter.
The subject property is a portion of this property. It is unclear how the 45.3 ha property was subdivided to create the 18.2 ha subject property.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

CDRD Board: Recommended approval.

CSRD Development Services Staff: View the river to be a topographical constraint limiting the access to the upper portion of the property. They do not feel that the proposed subdivision would have an adverse affect on the agricultural community. They also consider that the proposed subdivision will not further reduce the agricultural capability of the subject property.

STAFF COMMENTS:

- The subject property is the result of several previous subdivisions. The first divided the 64.7 ha property along the highway, creating a 44.7 ha lot and a 20 ha lot. The second divided the 44.7 ha lot along the railway, creating a 26.8 ha lot and the 18.2 ha subject property.
- The applicants indicate that the property is currently being farmed as a unit. This seems to indicate that the presence of the river does not limit the use of the property as a unit.
- The applicants indicate that the property will continue to be farmed as a unit. However, future sale of either lot could prevent the use of the two lots as a single farm.

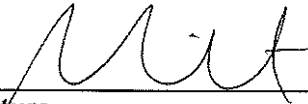
ATTACHMENTS:

- ALC Context Map (1:50,000)
- Air photo (1:5,000)
- Letter from applicants
- Excerpt from CSRD Staff Report (page 2 and 3)
- Sketch of proposal (subdivision along the river)

END OF REPORT

Signature

Date



Sept 17, 07