

o/a McMurdo Consulting

Box 2441
Golden B.C.
V0A 1H0
Ph 250 348 2574

Email tcoughlin@xplornet.com

February 2, 2017

File # LC2527A

Good Morning Candice & Director K. Cathcart

The previous ALC application #H-36386 was submitted to the CSRD requesting permission to create a total of 5 lots, and at that time CSRD recommended approval of the application to the ALC. Unfortunately the application was rejected by the ALC, the board stated that the subdivision went against the general guidelines of the ALC. However "The commission was prepared to allow a single 8 Ha lot from the northerly portion of the property, because a lot of that size could be used for agricultural purposes."

Candice you made reference in your report that Canada Land Inventory indicates the subject property has soils in a variety of classes 4PT, 5 to 6 class with a variety of sub groups. I referred to the Canada Land Inventory (CLI) mapping and used the google app that is available on the site and my result indicates that over 90 percent of the land that lyes within the A.L.C boundary of Proposed Lot 2 & the Remainder is classed as 4PT.

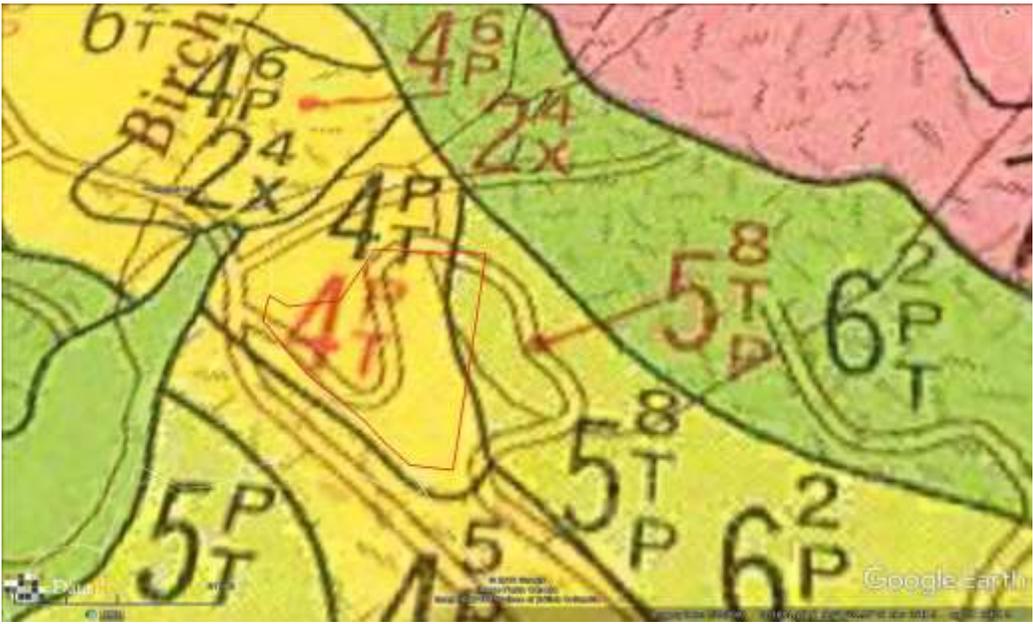
Canada Land Inventory Definition.

Class 4 soils (Soils in this class have severe limitations that restrict the range of crops or require special conservation practices or both)

P (Stoniness)

T (Adverse relief because of steepness or pattern of slopes)

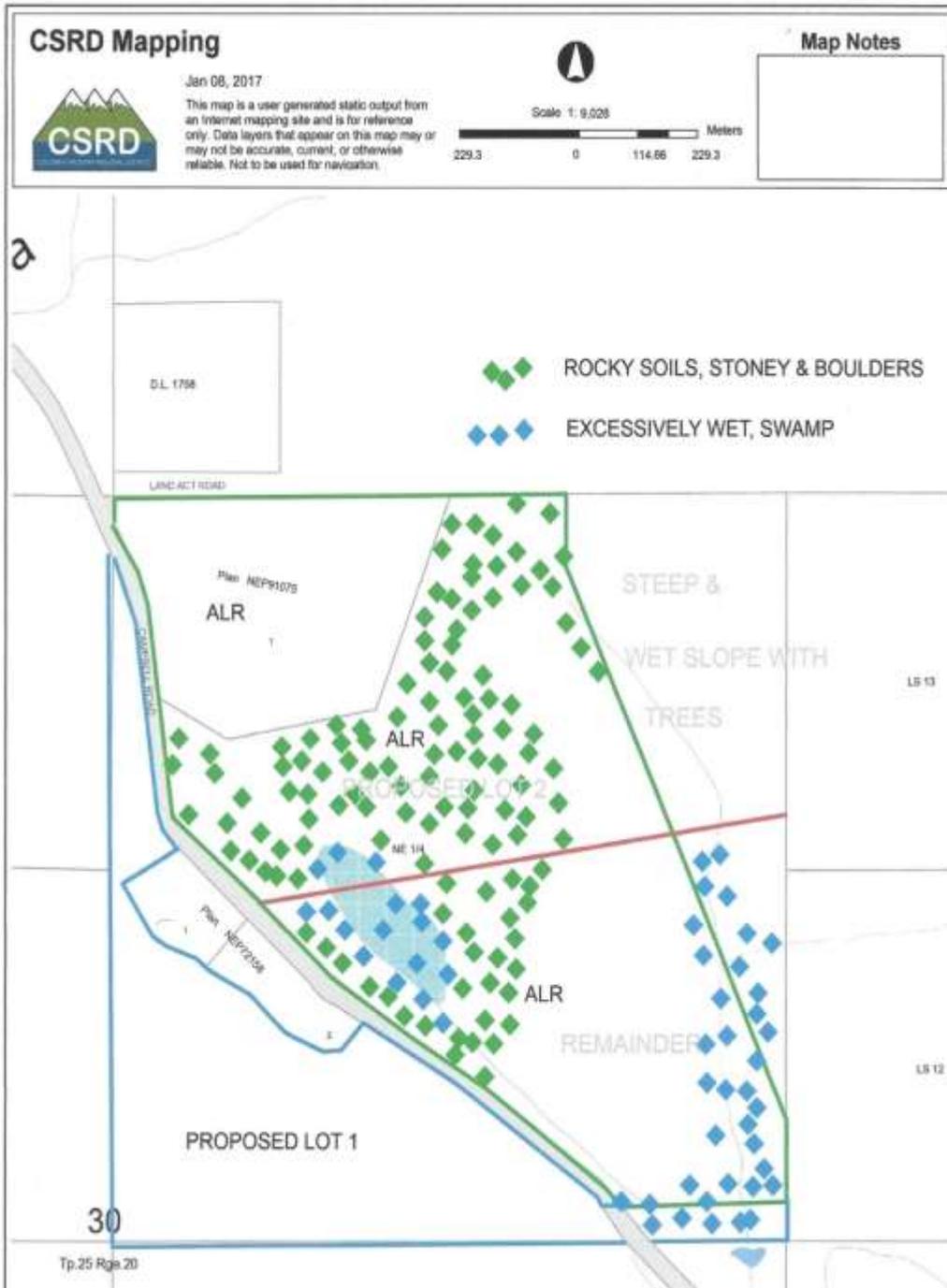
The following page has the soil mapping by C.L.I. identifying the location of the property lines in relation to the soil classifications.



Located below is the property lines of Proposed Lot 2 & the Remainder demonstrating area of land within the ALR and the land outside of the ALR.



The following map defines the area that farm machinery can & can not access due to terrain, stoney soils or excessive moisture. The area located in the north east corner of Proposed Lot 2 is outside of the ALR with steep slopes and multiply springs at the base of the hillside. The land located within the ALR without the green squares on Proposed Lot 2 & the Remainder respectively is approximately 4 Ha & 9 Ha however stoney soils is a limiting factor for tilling.



Candice this statement below was copied from your Board Report LC2527A dated December 2, 2016 from Pg. 4 of 5 of your report to the Board.

“A portion of the parcel in the northeast is within the Birchlands Creek High Hazard Fan Area; this area has been identified as having a high risk of damages from flooding, erosion, and/or debris flow. If this application is approved by the ALC and the owners continue with the subdivision process, further information regarding the hazards identified will be investigated.”

Your above statement is further evidence that this property has little to no agricultural capacity. As I have stated above, the soils are very limited as this property once was an alluvial fan that is comprised of alluvial till and the typical boulders and rocks that are predominantly found in such features.

In the early 90's I contact Ministry of Forests, Land and Natural Resource Operations Province of British Columbia and asked Mr Dwain Boyer P. Eng if it would be possible for the Ministry to comment on the flood hazard in relation to Toblers property. In the early 80's Birchlands Creek had a debris flow late in the spring that originated at a higher elevation than Toblers property. The debris flow removed a significant amount of rocks trees and earth and flush out the complete drainage as far down as the wetlands. Mr. Dwain Boyer P. Eng. (note: certified for floodplains) completed a site visit to Birchlands Creek and it was determined that Birchlands Creek was no longer a threat to this property. The previous mud slide left Birchlands Creek significantly incised as a result Toblers property in the opinion of MFLNR that Birchlands Creek is no longer a threat to Toblers property. Vrenit Tobler has a letter from MNFLNR stating that the flood hazard is not a hazard to their property.

Proposed Lot 2 total area is approximately 22.4 Ha

- 7.9 Ha located in the northeast corner of Proposed Lot 2 is a steep slope, heavily treed outside of the ALC boundary
- multiply springs located on the hillside which contributes to the Bayview Creek aquifer.
- 11 Ha located within the ALC boundary unacceptable for cultivation
- 3.5 to 4 Ha on the existing field acceptable for farm machinery cultivation if stoney ground was not the limiting factor

Proposed Remainder total area approx 16.9 Ha

- 2.2 Ha located outside of the ALC boundary however excessive moisture is a limiting factor
- 5.7 Ha located to the west & east of the houses located within the ALC is extremely limited due to excessive moisture & rocky soils
- 9 Ha of the Remainder is acceptable terrain for farm machinery cultivation if stoney ground was not the limiting factor

The area of land north of Campbell Road is very sensitive given the fact that it is an aquifer that would be put at risk if intensive livestock production activities were to take place. (i.e. Hullcar aquifer)
This proposed subdivision is not detrimental to the ALC; on the contrary, this would enhance the preservation of the water table, additionally it would create an opportunity for an individual to enter small-scale intensive vegetable production if separate titles were approved.

Would the C.S.R.D. prefer that animals be raised on a small local aquifer and pollute a very sensitive green belt which is vital to all residents? An example of questionable stewardship is demonstrated in the local Hullcar aquifer which is located in the Okanagan Valley. Another example would be Walkerton.

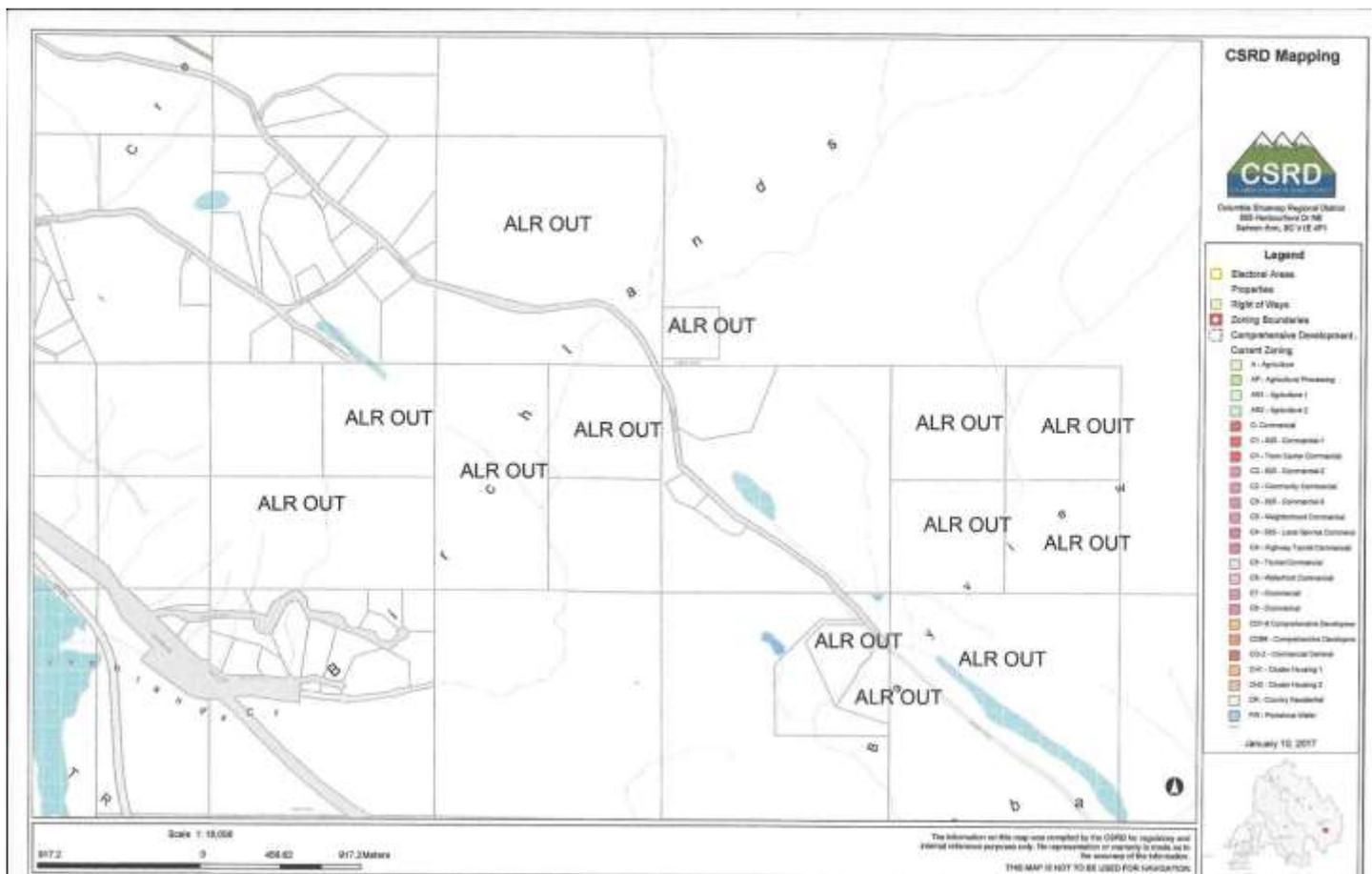
The following link is reference to Hullcar aquifer

<http://vancouversun.com/news/local-news/dairy-farm-pinpointed-as-cause-of-nitrate-pollution-in-okanagan-valley-watershed>

In the mid-seventies the Regional Director of this area made available to some residents the opportunity for parcel's to be withdrawn from the ALR. If residents were not in the Regional Directors circle this information was not released in an appropriate manner and made available to all residents.

The lack of equal opportunity for all residence was compounded for Vrenit & Nellie's parents due to a language barrier. If Mr. & Mrs Tobler were made aware of the opportunity there would have been a good chance they would have accepted the offer. The fact remains they were not properly informed by the Regional District and the implications that have come about by this fact are a great disappointment, and are far from acceptable.

The map below shows the immediate properties next to Tobler's that are outside of the ALR which indicates that the parcels were removed from the ALR as the topography of the properties next to Tobler's is similar. A few of the parcels contain a small percentage within the ALR have not been identified below.



This subdivision is important to Nellie & Vreni Toblers future. Without separate titles there is a host of hardships that can arise without separate estates, such as

- Inability to relocate without separate titles as funds will not be available
- Health issue's arise and assisted living is required, funds will not be available without separate titles
- Succession of the estate is complicated by the lack of separate titles
- Funds through the banking system are denied without separate titles
- Renting the house and property is not an option given the low returns as well as the liability without proper insurance
- Property insurance has been denied after 24 years of carrying insurance due to the lack of separate titles
- Vreni's son would like to take over Vreni's portion of the property and is willing to provide a suite for Vreni in the future. Without separate titles, funding is not available through banking system for Vreni's son to purchase.



Summary

- The ALC commission stated that an 8 Ha lot size could be used for agricultural purposes.
- Proposed Lots are greater than 8 Ha so why is the proposal not acceptable to the CSRD?
- Soils are at best 4PT combined with very limited terrain acceptable for farm machinery
- Proposed subdivision is not detrimental to the ALC; on the contrary, this would enhance the preservation
- Promotes affordable entry into agricultural occupation
- Water table will be protected from similar circumstances such as the Hullcar aquifer
- Properties located all around subject property were released from the ALR
- Lost opportunity in the removal from the ALR designation due to local government not informing
- Estate will be left in a difficult situation with multiply heir's without individual titles
- Without separate titles the owners can not liquidate in the event that future health care or similar circumstances require funding
- Insurance for houses & liability has been denied at this time due to lack of individual titles

Proposed Lot 1 will be serviced by a well located on the north side of Campbell Road. The area on the north side is approximately 1.5 ha in size, in addition there is a r/w to lands beyond that presently is located on the eastern boundary that would be part of Proposed Lot 1. Past drilling on the south side of Campbell Road has not produced quality results in quantity or quality and for this reason a well will be located on the north side.

Vreni Tobler would like to be present for the board meeting, however attending the meeting can not occur until late winter early spring. We would like to board meeting post poned until spring.

- Proposed Lots are greater than 8 Ha so why is the proposal not acceptable to the CSRD?
- Would the CSRD prefer that animals be raised on a small local aquifer and pollute a very sensitive green belt which is vital to all residents?
- Candice would you please explain why the C.S.R.D. is not supporting Toblers present application?

For all of the above reasons we are asking that the CSRD back this application and recommend approval to the Agricultural Land Commission.

Sincerely

Tom Coughlin