



Agricultural Land Commission
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January 25, 2006

Reply to the attention of Brandy Ridout
ALC File #V-36389

Brad Elenko
12 Dogwood Place
Osoyoos, BC V0H 1V1

Dear Mr. Elenko:

Re: Application to subdivide land within the Agriculture Land Reserve

Please find attached the Minutes of Resolution #12/2006 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly.

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 plans.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

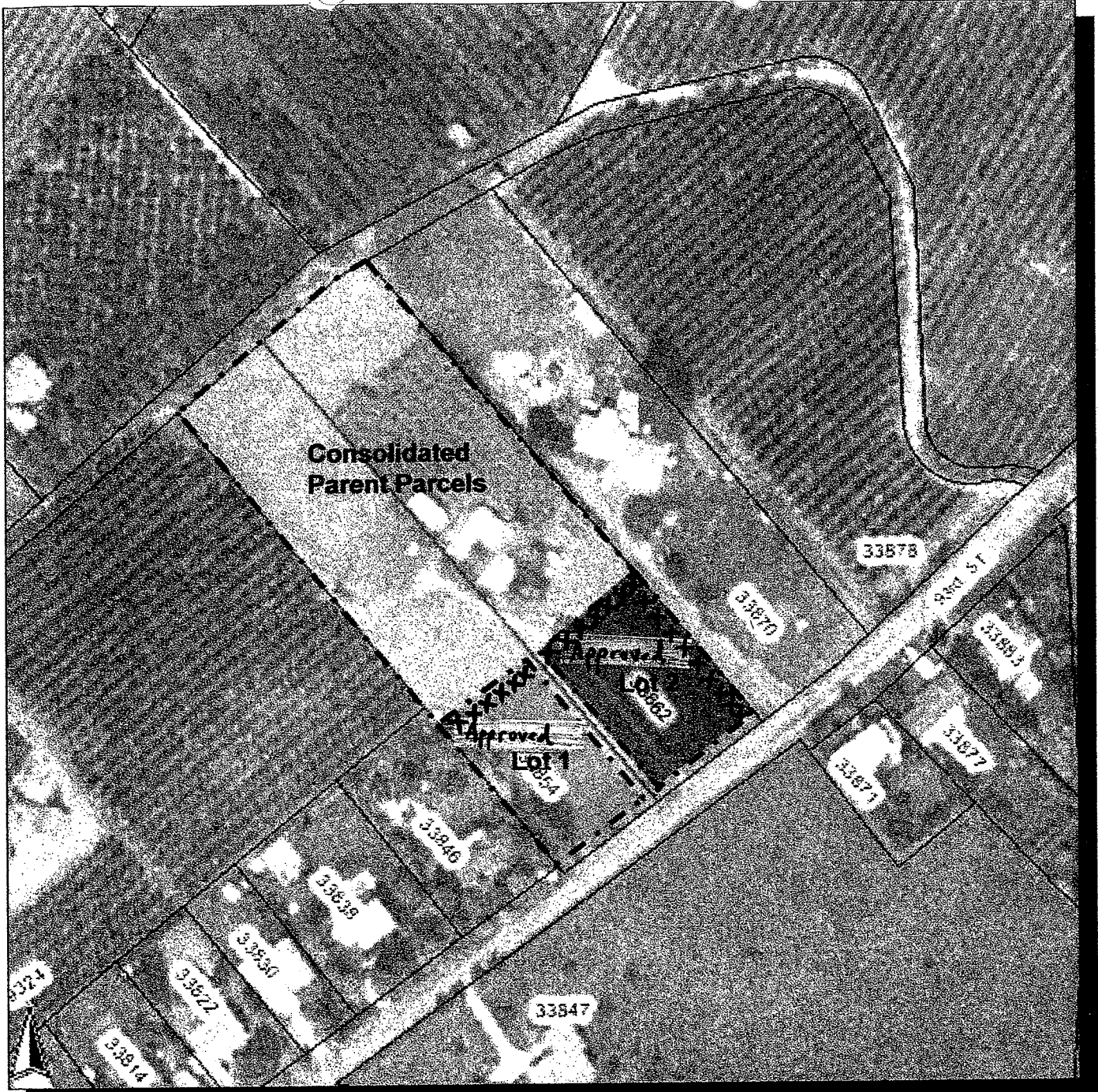
Per:

Erik Karlsen, Chair

cc: Regional District of Okanagan-Similkameen (#C-05-05517-000)

BR/lv/Encl: Minutes
Sketch Plan

36389d1



Provincial Agricultural Land Commission
Application #V-36389
Resolution #12/2006



Location of buffer vegetation



Location of fencing

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on January 19, 2006 at the Ministry of Agriculture and Lands office located at 4607 - 23rd Street, Vernon, BC.

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

For Consideration

Application # V-36389
Applicant(s) Keith and Agatha Weinrich
Proposal To subdivide two (2) 0.2 ha lots from the 1.5 ha total area of two properties and to consolidate the remainders of the two parcels to create a new 1.1 ha parcel.
Legal 1. PID: 010-547-924
Lot 1, District Lot 2450s, Similkameen Division Yale District, Plan 4518
2. PID: 010-547-932
Lot 2, District Lot 2450s, Similkameen Division Yale District, Plan 4518
Location 93rd Street, Oliver

Site Inspection

A site inspection was conducted on January 17, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey, and Sid Sidhu
- Staff: Brandy Ridout and Martin Collins
- Applicant: Keith Weinrich
- Agent: Brad Elenko

Mr. Weinrich confirmed that he received the staff report dated December 22, 2005 and did not identify any errors.

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.

The Act provides processes for landowners, local governments and First Nation governments to apply to the Commission to include land into the ALR, remove land from the ALR, subdivide land in the ALR and use land in the ALR for non-farm purposes. The Commission decides applications with the objective of ensuring that lands suitable for agriculture are retained in the ALR and that non-farm development of ALR land is restricted.

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 improved agricultural capability ratings for the property are identified as 70% Class 3AP and 30% Class 2A.

Class

- 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.
- 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Subclass

- A soil moisture deficiency
- P stoniness

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against its long-term goal of preserving agricultural land. It noted the current lot configuration (two 0.75 ha lots) and the proposed lot configuration (two 0.2 ha lots and a 1.1 ha consolidated lot), would result in a net increase of one lot.

The Commission considered the potential impact of the creation of two new lots and the consolidation of the main farm unit. It believed that the impact of the two small lots would be minimal as similar-sized lots currently exist adjacent to the proposed lots. The installation of fencing and buffering could further minimize the impact on existing or potential agricultural use of surrounding lands. The Commission believed that consolidation would provide a positive impact on agriculture in that the larger lot would be more conducive to a variety of agricultural operations.

Assessment of Agricultural Suitability

The Commission then assessed whether the subject properties are suitable for agriculture in their current configuration. They noted that the consolidation of the 1.1 ha farm unit would make it more suitable for agriculture as a wider variety of agricultural operations can take place. Although the subdivision of two small lots will make these lots less suitable for agriculture, the Commission believed that the increased suitability of the larger parcel would benefit agriculture.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the consolidation of the farm unit will positively impact agriculture. The potential negative impacts of the creation of the two smaller lots can be mitigated through fencing and buffering.
3. That the consolidation of the farm unit will improve its suitability for agriculture.
4. That the proposal is consistent with the objective of the *Agricultural Land Commission Act* to encourage farming on agricultural land in collaboration with other communities of interest.

IT WAS

MOVED BY: Commissioner Irvine
SECONDED BY: Commissioner McCoubrey

THAT the application be approved

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- the construction of a fence and the planting of a vegetative buffer along the entire east boundary of proposed Lot 2 and the entire north boundaries of proposed Lots 1 and 2. The purpose of this condition is to limit the impact of the smaller lots on surrounding lots and the remaining farm unit. A fencing and buffering plan should be submitted to the Commission for approval.

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 #12/2006



Staff Report
Application # V – 36389 –0
Applicant: Keith & Agatha Weinrich
Agent: Brad Elenko

DATE RECEIVED: November 29, 2005

DATE PREPARED: December 22, 2005

TO: Chair and Commissioners – Okanagan Panel

FROM: Simone Rivers, Regional Research Officer

PROPOSAL: The proposal consists of two (2) parts:

1. To subdivide two (2) 0.2 ha lots from the 1.5 ha total area of two properties and
2. To consolidate the remainders of the two parcels to create a new 1.1 ha parcel.

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

BACKGROUND INFORMATION:

It is stated in the application that the creation of the two (2) 0.2 ha lots would be consistent with the residential land use that currently exists south of the subject properties along 93rd Street and that the creation of a larger agricultural parcel will improve and benefit agriculture.

Access to the 1.1 ha parcel would be via a driveway between the two proposed residential lots.

If the proposal is approved the owner will need to apply for rezoning and for a change in the OCP designation. Additionally, the consolidated lot would require a development variance permit because it does not meet the required parcel width of 25% the parcel depth.

Local Government:

Regional District of Okanagan-Similkameen

Legal Description of Properties:

1. PID: 010-547-924
Lot 1, District Lot 2450s, Similkameen Division Yale District, Plan 4518
2. PID: 010-547-932
Lot 2, District Lot 2450s, Similkameen Division Yale District, Plan 4518

Purchase Date:

October 1, 2004

Location of Properties:

93rd Street, Oliver

Size of Properties:

1. 0.7 ha
2. 0.8 ha

Present use of the Properties:

Vineyard, residence, shop and outbuildings.

Surrounding Land Uses:

WEST: Agriculture (ALR)
SOUTH: Single family residential/agricultural (ALR)
EAST: 93rd Street, pasture (ALR)
NORTH: Residence, shop, outbuildings, agriculture (ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E.013
The majority of the property is identified as having secondary ratings.

Official Community Plan and Designation:

Oliver Rural Official Community Plan Bylaw No. 2122, 2002 designates the parcel as Agriculture.

Zoning Bylaw and Designation:

Electoral Area 'C' Zoning Bylaw no. 2123, 2002 designates the parcel as Agricultural One Zone (AG1).
Minimum parcel size 4 ha.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The application was forwarded without recommendation.

STAFF COMMENTS:

Staff recommend a site visit in order to determine the nature of the surrounding landscape and to evaluate if the creation of the rural residential lots in the area will cause any conflict with surrounding agricultural operations.

END OF REPORT

Signature

Simone Rivers

Date

Jan 3, 2006