



**Agricultural Land Commission**  
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October 4, 2006

Reply to the attention of Brandy Ridout  
ALC File #V-36753

Brad Elenko  
Urban Connections  
#12 Dogwood Place  
Osoyoos, BC - V0H 1V1

Dear Mr. Elenko:

**Re: Application for subdivision in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution #481/2006 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen'. The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Erik Karlsen, Chair

cc: Regional District of Okanagan-Similkameen - D06-01119-000

BR/eg/Encl.: Minutes



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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A meeting was held by the Provincial Agricultural Land Commission on September 29, 2006 at the Ministry of Agriculture and Lands office located at 4607 - 23rd Street, Vernon, BC.

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

### For Consideration

Application # V – 36753  
Applicants Heidi Robinson  
Proposal To subdivide three lots (two 1.2 ha lots and one 39 ha lot) into nine lots; seven 4.3 ha lots, one 6 ha lot, and one 1.4 ha lot (for a sewage treatment facility for Okanagan Falls – this request is dealt with under application #V-36754).  
Legal 1. PID: 013-080-741 (39 ha)  
That part of District Lot 10, Parcel E, Similkameen Division Yale District, Plan B7137  
2. PID: 013-080-652 (1.2 ha)  
District Lot 337s, Similkameen Division of Yale District  
3. PID: 013-080-679 (1.2 ha)  
District Lot 338s, Similkameen Division of Yale District  
Location 1748 and 1752 Highway 97, south of Okanagan Falls

### Site Inspection

A site inspection was conducted on July 31, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey and Sid Sidhu
- Staff: Brandy Ridout
- Applicant: Heidi Robinson
- Bill Robinson, applicant's husband
- Agents: Al Columbo & Brad Elenko
- Regional Director: Bill Swartz

Mr. Elenko confirmed that he had received the staff report dated July 10, 2006 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.

### **Discussion**

The Commission dealt with the request for the subdivision of the 1.4 ha lot for the sewage treatment plant under application #V-36754. As such, the subdivision into seven 4.3 ha lots and one 6 ha lot was considered under this application.

The Commission discussed that the applicant has been operating a livestock operation on the property for 26 years and the reason for the subdivision request was that the applicant wishes to retire. As the whole property was not used for the operation, it was proposed to retain 6 ha for the farm and subdivide the remainder into 4 ha lots. This would be a radical change to historic agricultural practices on this land; from a livestock forage operation to intensive market gardening.

### **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 majority of the property is identified as having prime dominant ratings.

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

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

Subclasses (limitations)

W - excess water

A - soil moisture deficiency

P - stoniness

D - undesirable soil structure

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

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land.

The Commission noted that if subdivision was allowed, agricultural land would be used for road creation and the placement of houses and accessory buildings. Although the 4 ha lots might not be used solely for residential purposes, the infrastructure necessary for 7 additional residences would remove a substantial amount of land from possible agricultural production.

The idea presented by the applicant's agent that the existing parcel is too large for one farmer to farm and as such the land is not being utilized to its maximum agricultural potential was discussed by the Commission. Although it is stated that subdivision into smaller lots would improve the agricultural utilization of the lands as the existing

farmland would be farmed by a number of farmers, the property is currently farmed as a unit and no evidence is provided that 4 ha lots are likely to be used for more intensive agriculture (i.e. market gardens). In addition, the Commission does not typically support subdivision as it is seen as a reduction in the potential agricultural uses of the property.

The statement that it is not economically feasible to operate a cattle operation in this location is belied by the fact that it has operated for 26 years.

The Commission believes the proposal would negatively impact existing or potential agricultural use on the subject properties.

### **Assessment of Suitability for Agriculture**

The Commission next assessed whether the external 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 external factors that render the land unsuitable for agricultural use.

### **Assessment of Other Factors**

The Commission does not give consideration to retirement or succession issues as they are not related to the agricultural use of the property, can permanently affect the land base in a negative way, and have the potential to raise expectations that further subdivision will be allowed for subsequent generations.

### **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 negatively impact agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

### **IT WAS**

**MOVED BY:** Commissioner McCoubrey

**SECONDED BY:** Commissioner Irvine

THAT the application be refused as proposed on the grounds that the property has agricultural capability, is suitable for agricultural use, and that parcelization would have a negative impact on agriculture.

### **CARRIED**

**RESOLUTION #481/2006**



**Staff Report**  
**Application # V – 36753**  
**Applicant: Heidi Robinson**  
**Agent: Urban Connections**  
**Location: South of Okanagan Falls**

**DATE RECEIVED:** June 8, 2006

**DATE PREPARED:** July 10, 2006

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

**FROM:** Brandy Ridout, Regional Research Officer

**PROPOSAL:** To subdivide three lots (two 1.2 ha lots and one 39 ha lot) into nine lots; seven 4.3 ha lots, one 6 ha lot, and one 1.4 ha lot (for a sewage treatment facility for Okanagan Falls – see application #V-36754).

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

**BACKGROUND INFORMATION:**

The Robinsons have been operating a livestock operation on the property for 26 years but are currently taking steps to retire. They state that they have never used all of the land for their farming operation. They believe that the 6 ha proposed parcel, which would include the existing farm house, barns, sheds and outbuildings, would be able to accommodate the existing cattle operation. As such, they are proposing subdivision of the remainder into 4.3 ha parcels to create one lot for each of their children and allow the remaining lots to be developed as individual farms.

The agent presents the following rationale for the application:

1. The existing parcel is too large for one farmer to farm and as such the land is not being utilized to its maximum agricultural potential.
2. Very little land would be removed from agriculture to create access to the new lots.
3. If approved, the existing farmland would be farmed by a number of farmers and hence greater farm utilization would occur.
4. The access road for the proposed south lots could be used as legal access to the proposed 1.4 ha parcel for the sewer treatment facility.
5. Although the notion of larger farm parcels being better (more efficient) than smaller farm parcels is true to a certain extent, the positive effects of larger farm parcels has an upper limit. A family farm operation, such as the Robinsons, will have significant difficulty farming 41.2 ha without a considerable amount of farm labour. There are not many farmers that would be able or willing to efficiently farm 41.2 ha, but similar to most other farms in the bottom of the Okanagan Valley, efficiently farming 4 ha of land is common throughout the valley. Normally only vineyards are larger than 4 ha and the soil conditions of the subject property preclude its development as vineyard.

**BACKGROUND INFORMATION (continued):**

**Local Government:**

Regional District of Okanagan-Similkameen

**Legal Description of Properties:**

1. PID: 013-080-741 (39 ha)  
That part of District Lot 10, Parcel E, Similkameen Division Yale District, Plan B7137
2. PID: 013-080-652 (1.2 ha)  
District Lot 337s, Similkameen Division of Yale District
3. PID: 013-080-679 (1.2 ha)  
District Lot 338s, Similkameen Division of Yale District

**Purchase Date:**

1980

**Location of Properties:**

1748 and 1752 Highway 97, south of Okanagan Falls, east of Okanagan River

**Size of Properties:**

41 ha (The entire area lies in the ALR).

**Present use of the Properties:**

Cattle operation, with home, outbuilding and fields.

**Surrounding Land Uses:**

**WEST:** Okanagan River  
**SOUTH:** Forage and pasture in the ALR  
**EAST:** Rural residential lots fronting onto Highway #97  
**NORTH:** Rural residential parcels in the ALR

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82E.033  
The majority of the property is identified as having prime dominant ratings.

**Official Community Plan and Designation:**

Electoral Area 'D' OCP - Bylaw No. 1708 (1996)  
Designation: Farmland (F)

**Zoning Bylaw and Designation:**

Zoning Bylaw No. 1801 (1998)  
Designation: Agriculture 2 (AG2)  
Minimum lot size: 20 ha

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**The Regional District of Okanagan Similkameen:** Forwarded the application without comment, as per policy.

**Regional District of Okanagan Similkameen Development Services Department:** Has serious concerns with the proposed subdivision of agricultural land into smaller parcels, except where positive benefits to agriculture can be demonstrated. This development proposal is also not consistent with the relevant planning documents, which seek to preserve and promote viable agricultural holdings as an integral part of the Okanagan Falls community.

**Regional Director Schwarz:** Supports (letter dated June 27, 2006), citing that it is not economically feasible to operate a cattle operation in this location, that cattle grazing should would better occur in areas outside the communities where land is less expensive, and that 4 ha parcels for market garden uses by individual families are more suitable.

**STAFF COMMENTS:**

Staff recommends that the Commission consider the following.

- The applicant is proposing a radical change to historic agricultural practises on this land; from a livestock forage operation to intensive market gardening.
- No evidence is provided that 4 ha lots are likely to be used for market garden agriculture.
- The creation of smaller parcels may attract non-farm residents to the area, which may contribute to conflicting land uses.
- It is possible that instead of a working ranch, seven or eight ranchettes or rural homesites will result. Other 4 ha lots near the river in this area do not appear to be developed for intensive agriculture. In contrast, upland areas southeast of Highway 97 have been developed for vineyards.
- The Commission does not give consideration to retirement or succession issues as they can permanently affect the land base in a negative way, and raise expectations of further subdivision will be allowed for subsequent generations.

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**END OF REPORT**

  
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Signature

  
\_\_\_\_\_  
Date