



**Agricultural Land Commission**  
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October 12, 2006

Reply to the attention of Brandy Ridout  
ALC File #V-36775

Bent and Lillian Rasmussen  
S52, C65, RR2  
Oliver, B.C. V0H 1T0

Dear Sir/Madam:

**Re: Application to subdivide in the Agriculture Land Reserve**

Please find attached the Minutes of Resolution #490/2006 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of Okanagan Similkameen (#C 06-07164.005/000)

BR/v/Encl.: Minutes  
36775d1

## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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

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

### For Consideration

Application # V-36775

Applicant(s) Bent, Lillian and Peter Rasmussen

Proposal: To subdivide two adjoining properties of 16 ha and 50 ha into two 11 ha lots with a 42 ha remnant.

Legal

1. PID: 005-299-870  
Lot 1, District Lot 3469, Similkameen Division Yale District, Plan 25925
2. PID: 012-059-650  
District Lot 3469, Similkameen Division Yale District, Except Plan 25925

Location 4096 and 4100 Green Lake Rd.

### Site Inspection

A site inspection was conducted on Wednesday, September 27, 2006. Those in attendance were:

- Commissioners: Sue Irvine and Sid Sidhu
- Staff: Terra Kaethler and Martin Collins
- Bent Rasmussen

Bent Rasmussen confirmed that he received the staff report dated September 7, 2006, and that it did not contain any errors.

The Commission was advised that part of the rationale for the subdivision was to secure a better quality water source for the proposed 11 ha rural residential lots.

The Commission was advised that at one time the two properties were used together as a small ranching unit. The Commission also noted that some of the land affected by the proposal was very steep and rocky. However, there were patches of cultivable land (some of which had been recently ploughed).

Adjoining lands to the south were subdivided into 4-5 ha lots prior to the establishment of the ALR.

**Discussion**

The Commission noted that the Electoral Area C Advisory Planning Commission recommended that the application be refused. The Commission concurred with the recommendation because it believed that the 16 ha parcel had better agricultural capability if retained in its present size, because the property's best agricultural land would be retained in a single unit, permitting a higher carrying capacity for livestock.

The Commission was prepared to allow a boundary adjustment between the two properties as proposed, in order to secure a better water source for the smaller property. Should the applicant wish to proceed on that basis, the Commission's approval would not be necessary as it can be achieved as per B.C. Regulation 171/2002, Section 10(c).

**IT WAS**

**MOVED BY:** Commissioner Irvine

**SECONDED BY:** Commissioner Sidhu

THAT the application to subdivide the subject properties into two 11 ha lots and a 45 ha lot be refused.

**CARRIED**

**RESOLUTION # 489/2006**



**Staff Report**  
**Application # V – 36775**  
**Applicant: Bent, Lillian and Peter Rasmussen**  
**Location: West of Vaseux Lake**

**DATE RECEIVED:** June 23, 2006

**DATE PREPARED:** September 7, 2006

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

**FROM:** Brandy Ridout, Land Use Planner

**PROPOSAL:** To adjust the boundary between DL 3469 and Lot 1 to add a 5.7 ha portion of DL 3469 onto Lot 1 (to make a 22.5 ha lot) and then subdivide Lot 1 into one 11.2 ha and one 11.3 ha lot.

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

**BACKGROUND INFORMATION:**

**Local Government:**

Regional District of Okanagan-Similkameen

**Legal Description of Properties:**

1. PID: 005-299-870  
Lot 1, District Lot 3469, Similkameen Division Yale District, Plan 25925
2. PID: 012-059-650  
District Lot 3469, Similkameen Division Yale District, Except Plan 25925

**Purchase Date:**

March 2003

**Location of Properties:**

4096 and 4100 Green Lake Road

**Size of Properties:**

66.8 ha (Both properties are entirely in the ALR).

**Present use of the Properties:**

Residence, garage

**BACKGROUND INFORMATION (continued):**

**Surrounding Land Uses:**

**WEST:** Residence, hay  
**SOUTH:** Residence  
**EAST:** Grazing  
**NORTH:** Crown

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82E/5  
The majority of the property is identified as having Secondary ratings.

**Official Community Plan and Designation:**

Oliver Rural Official Community Plan Bylaw No. 2122 (2003)

**Zoning Bylaw and Designation:**

Oliver Rural Zoning Bylaw No. 2123 (2002)  
Designation: Agriculture Two (AG2) Zone  
Minimum Lot Size: 10 ha

**PREVIOUS APPLICATIONS:**

**Application #74-0019-0**

**Applicant:** D.W. Pringle  
**Decision Date:** May 16, 1974  
**Proposal:** To subdivide a 15.5 ha lot from Lot 3469s as this piece of land is not necessary for ranching operations, the creation of a new lot would be a buffer between the ranch and the newly created residential subdivision (stop trespass and solve fencing problems), and to raise capital to be used to improve the ranch.  
**Decision:** Allowed subject to the registration of a caveat against the title of the newly created lot restricting the land, including all buildings and improvements, to a farm-use and occupancy and prohibiting further subdivision. This caveat expired and was removed from title when the applicant bought the property in 2003.

**RELEVANT APPLICATIONS:**

**Application #30384-0**

**Applicant:** Larry & Donna Bremner  
**Decision Date:** February 20, 1996  
**Proposal:** To amalgamate the two subject properties and subdivide to create three lots of approximately 4 ha in size.  
**Decision:** Refused as the configuration would reduce the agricultural potential of the lands.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Regional District of Okanagan-Similkameen Development Services Department:** The proposed subdivision is consistent with the rural residential character of adjacent lots. The 5.7 ha portion of DL 3469 proposed to be added to create the two approximately 11 ha lots is within an environmentally sensitive area and is not suitable for development.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS (continued):**

**Area 'C' Advisory Planning Commission:** Recommend denial. Although not unanimous in this opinion, most members of the APC felt that the proposed subdivision was not conducive to the enhancement or preservation of the land's agricultural value. Recommending approval of the subdivision would set a precedent for future applications of this nature.

**STAFF COMMENTS:**

Staff suggests the Commission consider the following:


- The Commission's 1974 decision allowed subdivision to create Lot 1, District Lot 3469 subject to the registration of a caveat prohibiting further subdivision. Although this caveat has now expired, it is unusual that the Commission would feel a caveat to be necessary as the *Agricultural Land Commission Act* prohibits subdivision, unless approved by application.
- The boundary line/subdivision request is being made to meet the 10 ha minimum lot size of local zoning.
- A site visit could assist in determining the impact on agriculture of the proposed subdivision.

**ATTACHMENTS:**

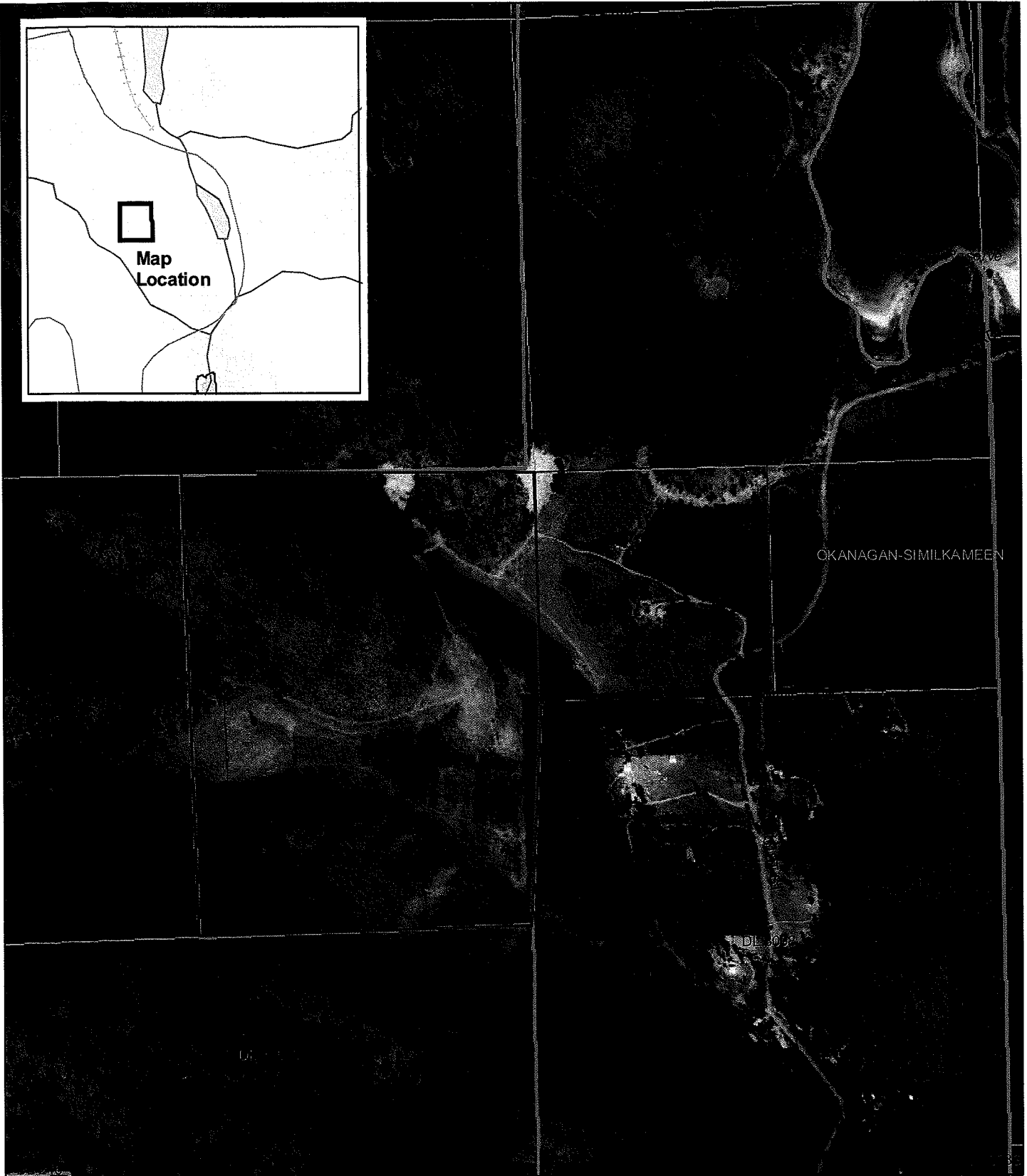
- ALR Context Map: Constituent 17 - 1:10,000 (Created by ALC Staff)
- Airphoto (Created by ALC Staff)
- Proposed lot layout (Submitted by the Regional District)
- May 1, 2006 Letter from applicants
- Expired Caveat No. K16581

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**END OF REPORT**

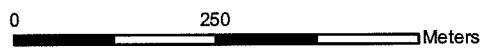
  
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Signature

Sept 14, 06  
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Date



# ALC Context Map

Map Scale: 1:9,000



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ALC File#:	21-06-36775
Map Sheet #:	82E.023
Regional District:	Okanagan-Similkameen