



Agricultural Land Commission
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Reply to the attention of Brandy Ridout
ALC File: V-36915

November 23, 2006

Donna Rokosh
RR1 - Site 40 - Comp 1 - 3033 Highway 3
Keremeos, BC V0X 1N0

Dear Mrs. Rokosh:

Re: Application subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #564/2006 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the printed name below.

Erik Karlsen, Chair

cc: Regional District of Okanagan-Similkameen (G-06-02647-000)

Enclosure: Minutes

BR/eg
i/36915d1



A meeting was held by the Provincial Agricultural Land Commission on November 10, 2006 in Vernon, BC.

PRESENT: Sue Irvine
Sharon McCoubrey
Sid Sidhu
Brandy Ridout

Chair, Okanagan Panel
Commissioner
Commissioner
Staff

For Consideration

Application: # V- 36915
Applicant: Donna Rokosh
Proposal: To subdivide a 0.3 ha lot from the 1 ha subject property.
Legal: PID: 008-868-557
Lot A, District Lot 277, Similkameen Division Yale District, Plan 15316
Location: 3033 Highway 3

Site Inspection

A site inspection was conducted on November 9, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey and Sid Sidhu
- Commission staff: Brandy Ridout
- Applicant: Donna Rokosh (and husband)

Mrs. Rokosh confirmed that the staff report dated October 24, 2006 was received and no errors were identified.

During the site inspection, the purpose of the proposed subdivision, the history of agriculture on the property and adjacent property, and soil capability were discussed. The applicant expressed an interest in selling the proposed 0.3 ha parcel. It was mentioned that the sale of the proposed 0.3 ha lot to the adjacent property owner had been discussed but that the owner was not interested as it was too small (the 0.3 ha portion of the property had been leased to the neighbour in the past). The applicant stated that the development of the portion of the property currently used to grow grass was labour-intensive and required irrigation. The presence of rocks was also made evident.

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 soil of the subject property is classified as 80% Class 1 (either has no or only very slight limitations that restrict its use for the production of common agricultural crops) and 20% Class 2 (minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both) with a subclass limitation of cumulative minor adverse characteristics. Further investigation shows that the soil is a loam and requires irrigation.

The Commission believed that although the piece being requested for subdivision has limitations, such as the presence of rocks, it has agricultural capability.

Assessment of Agricultural Suitability

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 does not believe there are external 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. The Commission believed that allowing subdivision would negatively impact the subject property in that a portion of the proposed 0.3 ha lot would be used for the construction of a home and associated buildings and the properties would both be of a size that would severely limit agricultural options. In addition, a new residence would be introduced into an agricultural area.

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 Sidhu
SECONDED BY: Commissioner McCoubrey

THAT the application be refused on the grounds that subdivision would negatively impact agriculture.

CARRIED

Resolution #564/2006



Staff Report
Application # V – 36915
Applicant: Donna Rokosh
Location: West of Keremeos

DATE RECEIVED: August 30, 2006

DATE PREPARED: October 24, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Terra Kaethler, Land Use Planner

PROPOSAL: To subdivide a 0.3 ha lot from the 1 ha subject property

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 Property:

Lot A, District Lot 277, Similkameen Division of Yale District, Plan 15316

Purchase Date:

01/24/1996

Location of Property:

3033 Highway 3, Electoral Area 'G', west of Keremeos

Size of Property:

1.0 ha (The entire property is in the ALR)

Present use of the Property:

Residence, auto body shop, vacant land

BACKGROUND INFORMATION (continued):

Surrounding Land Uses:

WEST: Field, garden, residence and fruit stand
SOUTH: Residence, orchard and pasture
EAST: Residence
NORTH: Fruit stand, orchard

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E/4
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

OCP: N/A

Zoning Bylaw and Designation:

Zoning: N/A

RELEVANT APPLICATIONS:

Application #25373-0

Applicant: Degenhardt, John & Catherine
Decision Date: February 9, 1994
Proposal: To subdivide a homesite from the 2.7 ha subject property
Decision: Refused as proposed, on the grounds that the remaining parcel would be too small to have much agricultural productivity

Application #34767-0

Applicant: Langton, Fred & Helen
Decision Date: April 30, 2003
Proposal: To exclude the 0.72 ha parcel from the Agricultural Land Reserve
Decision: Refused as proposed, on the grounds the land had good agricultural capability. However, the Commission was prepared to allow the use(s) of the property as permitted by General Order # 168/74 subject to fencing, vegetative screening and the establishment of a 3 meter wide covenant buffer against the farmlands to the north.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District of Okanagan-Similkameen Board: Forwarded to Electoral Area Director

Electoral Area Director: No comments or recommendations

Planning Staff: The subject property is not subject to an Official Community Plan, or applicable zoning bylaws.

STAFF COMMENTS:

Staff suggests the Commission consider the following:

- The proposal is not clear as to the intent of the subdivision.
- Given its small size, It is unlikely that the 0.32 ha parcel would be used for agriculture.
- The Agricultural Capability map is unclear and no additional information was provided by the applicant as to the agricultural capability of the property.
- A site visit may provide additional information to clarify the proposal, the agricultural capability for this site and the impact the proposed subdivision would have on surrounding agricultural uses.

ATTACHMENTS:

- ALR Map #27
- Aerial Photograph
- Sketch of Property

END OF REPORT

Signature

Date