



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604-660-7000  
Fax: 604-660-7033  
www.alc.gov.bc.ca

November 20, 2006

Reply to the attention of Brandy Ridout  
ALC File: V-36918

Howard Wright  
RR1 - Site 11 - Comp 5  
Naramata, BC V0H 1N0

Gerald Martin  
RR1 - Site 11 - Comp 6  
Naramata, BC V0H 1N0

Dear Mr. Wright and Mr. Martin:

**Re: Application to subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 577/2006 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 (E-06-02078-000)

Enclosure: Minutes

BR/eg  
i/36918d1a



## **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 agricultural capability of the soil of the subject property is 60% Class 2 (limited by topography), 30% Class 3 (limited by topography), and 10% Class 7 (limited by bedrock near the surface). The Commission noted that although large rocks were dug up during the development of the property, the majority of the property has prime agricultural capability.

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.

Class 7 – Land in this class has no capability for arable or sustained natural grazing

### **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 did 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 subdividing two residential lots from the subject property would make the remainder less suitable for agriculture. In addition, they noted that the presence of the two residential lots would eventually lead to urban/rural conflict when non-farmers owned the lots. The Commission believed the proposal would negatively impact existing or potential agricultural use of the subject property.

### **Assessment of Other Factors**

The Commission discussed the application history of the subject property. They noted that in 1975, under application #V-02257, the construction of a second dwelling had been allowed on the condition that the older home was for the Martin's use only and was not to be subdivided from the remainder. Under application #V-21688, the Commission refused the request to subdivide a 0.3 ha lot containing the applicant's home on the grounds that the Commission's earlier approval was quite clear about prohibiting any future subdivision. In addition, the Commission had refused to allow homesite severances or subdivision on nearby properties of this size and feels that in fairness to those applicants it must refuse this request. The Commission did allow the registration of a leasehold, by explanatory plan, which would enable the Martins to retain a leasehold interest in their home and homesite during their lifetimes, without creating a permanent subdivision.

The Commission believed that there are alternate options the applicant could pursue instead of subdivision, including a lifetime lease that would allow Mr. Wright to remain in his house and sell the property. An additional alternative would be to subdivide one 0.2 ha lot and consolidate the remainder with an adjacent property, thus creating no additional lots.

**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 to subdivide the existing 2.24 ha parcel into three parcels be refused on the grounds that the subdivision would reduce the agricultural suitability of the parcel.

**CARRIED**

**Resolution # 577/2006**



**Staff Report**  
**Application # V – 36918**  
**Applicant: Howard Wright and Gerald Martin**  
**Location: Naramata**

**DATE RECEIVED:** August 31, 2006

**DATE PREPARED:** October 13, 2006

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

**FROM:** Simone Rivers, Land Use Planner

**PROPOSAL:** To subdivide the existing 2.24 ha parcel into three parcels. One (1) parcel for the step-son 0.26 ha and the other parcel for the applicant 0.2 ha. Applicant states that two grape growers would like to purchase the remaining 1.82 ha, but do not want any buildings.

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:**

PID: 12-219-134  
Lot 5, District Lot 207, Similkameen Division Yale District, Plan 576

**Purchase Date:**

1975

**Location of Property:**

2965 and 2975 Gammon Road

**Size of Property:**

2.2 ha (The entire property is in the ALR).

**Present use of the Property:**

Peach orchard with two homes and two workshops

**Surrounding Land Uses:**

**WEST:** Ravine  
**SOUTH:** Sawmill and fruit  
**EAST:** Grazing and grapes  
**NORTH:** Residence

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82E.053  
The majority of the property is identified as having Primary ratings.

**Official Community Plan and Designation:**

Naramata Official Community Plan Bylaw No. 1406 (1993) designates the property as Farmland

**Zoning Bylaw and Designation:**

Electoral Area "E" Zoning Bylaw No. 1566 (1995) designates the property as Agricultural Zone (AG), Minimum Lot Size: 4 ha

**PREVIOUS APPLICATIONS:**

**Application #02257-0**

**Applicant:** Wright & Martin  
**Decision Date:**  
**Proposal:** To allow construction of a second dwelling.  
**Decision:** Allowed on the condition that the older home was for the Martins' use only and was not to be subdivided from the remainder.

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**Application #21688-0**

**Applicant:** Wright & Martin  
**Decision Date:** January 25, 1988  
**Proposal:** To subdivide a 0.3 ha lot containing the applicant's home.  
**Decision:** Refused on the grounds that the Commission's earlier approval was quite clear about prohibiting any future subdivision. In addition, the Commission has refused to allow homesite severances or subdivision on nearby properties of this size and feels that in fairness to those applicants it must refuse this request. The Commission did allow the registration of a leasehold, by explanatory plan which would enable the martins to retain a leasehold interest in their home and homesite during their lifetimes, without creating a permanent subdivision.

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**Application #21688-1**

**Applicant:** Wright & Martin  
**Decision Date:** December 13, 1988  
**Proposal:** To subdivide a 0.3 ha lot containing the Martins' home.  
**Decision:** Refused on the grounds that this residence was only allowed on compassionate grounds and the applicants were notified at that time that there was to be no future subdivision of this property.

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**Application #21688-2**

**Applicant:** Wright & Martin  
**Decision Date:** February 3, 1989  
**Proposal:** To subdivide a 0.3 ha lot containing the Martins' home.  
**Decision:** Refused on the grounds that this is good agricultural land which should remain in as large a parcel as possible and the presence of two houses is not reason enough to justify its subdivision.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**


**Electoral Area 'E' Advisory Planning Commission:** At a meeting held September 11, 2006, suggested that the applicant pursue other options to be able to remain in his home and recommends that the application not be approved.

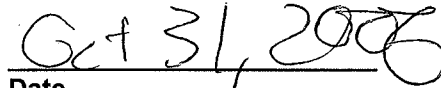
**ATTACHMENTS:**

- Letter from the applicant dated June 12, 2006 explaining the proposal
- Regional District of Okanagan-Similkameen Development Service Department report - Dated August 14, 2006
- ALC Context Map - Regional District of Okanagan-Similkameen Constituent # 8 - 1:10,000 (Created by ALC Staff)
- Sketch of proposed subdivision (Submitted by the applicant)

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**END OF REPORT**

  
Signature

  
Date