



**Agricultural Land Commission**  
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Reply to the attention of Brandy Ridout  
ALC File: T-37010

November 21, 2006

Dan Midtdal  
255 Valley Road N  
Kelowna, BC V1V2G1

Dear Mr. Midtdal:

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

Please find attached the Minutes of Resolution #589/2006 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 'KB Karlsen', is written over the printed name.

Erik Karlsen, Chair

cc: Regional District of North Okanagan (06-0458-B-ALR)

Enclosure: Minutes

BR/eg  
i/37010d1



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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**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, Island Panel  
Commissioner  
Commissioner  
Staff

### **For Consideration**

Application: # T- 37010  
Applicant: Hans Doerr  
Proposal: To subdivide a 2 ha lot from the 4 ha subject property.  
Legal: PID: 011-621-664  
Amended Lot 24 (DD27748F), Section 24, Township 8, Osoyoos Division of Yale District, Plan 1362, EXCEPT 1) Plans 22965, 43591, and 22088, 2) That Part Lying East of the Road shown on Plan B4110  
Location: 7334 L & A Road

### **Site Inspection**

A site inspection was conducted on November 10, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey and Sid Sidhu
- Commission staff: Brandy Ridout
- Applicant: Hans Doerr
- Agent: Dan Midtdal

Mr. Midtdal confirmed that the staff report dated October 30, 2006 was received and no errors were identified.

The Commission discussed the applicant's proposal to subdivide the subject property into two lots to allow two farmers to each develop a vineyard. The applicant stated that while he would like to develop the whole property as a vineyard, he is unable due to his age. He pointed out the areas of bedrock outcroppings and outlined the land development works that he had undertaken on the property, including removing stones.

### **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 agricultural capability of the soil of the majority of the subject property is Class 2 and 3 with a subclass limitation of topography (50% Class 2, 35% Class 3). These ratings are considered prime. The remainder of the property is 10% Class 7 and 5% Class 6 with a subclass limitation of topography. This portion of the property has steeper slopes and is less suited to agriculture.

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.

### **Assessment of Agricultural Suitability**

The Commission next assessed whether 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 applicant states that the subject property is too big and too expensive for many grape growers. It is believed that a 2 ha farm could be operated by a family whereas a 4 ha farm would require additional help. If subdivision was approved, the applicant notes that the house on the new lot would be built on the rock outcrop and so no land would be taken out of agricultural production. The Commission considered these issues but believed that maintaining the parcel as one lot is more beneficial to agriculture in that it keeps more options open to the farmer.

### **Assessment of Other Factors**

The Commission also considered the two previous applications on the subject property. They noted that the two subdivision requests had been refused on the grounds that the property had good capability for agriculture and its subdivision would not be in the interest of preserving its agricultural potential and crop options. In addition, the Commission did not want to encourage an increase in residential density in the ALR area east of Swan Lake.

**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 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 Irvine

**SECONDED BY:** Commissioner Sidhu

THAT the application be refused on the grounds that subdivision would reduce the agricultural suitability of the property.

**CARRIED**

**Resolution #589/2006**



**Staff Report  
Application # T – 37010  
Applicant: Hans Doerr  
Agent: Dan Midtdal  
Location: North of Vernon**

**DATE RECEIVED:** October 16, 2006

**DATE PREPARED:** October 30, 2006

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

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

**PROPOSAL:** To subdivide a 2 ha lot from the 4 ha subject property.

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

**BACKGROUND INFORMATION:**

The applicant submitted a detailed outline of the application in a letter (see attachments).

**Local Government:**

Regional District of North Okanagan

**Legal Description of Property:**

PID: 011-621-664  
Amended Lot 24 (DD27748F), Section 24, Township 8, Osoyoos Division Yale District, Plan 1362, Except 1) Plans 22965, 43591, and 22088, 2) That Part Lying East of the Road shown on Plan B4110

**Purchase Date:**

October 1997

**Location of Property:**

7334 L & A Road

**Size of Property:**

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

**Present use of the Property:**

Residence

**BACKGROUND INFORMATION (continued):**

**Surrounding Land Uses:**

**WEST:** Residential  
**SOUTH:** Pasture  
**EAST:** Residential/pasture  
**NORTH:** Residential

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82L.034  
The majority of the property is identified as having Mixed Prime and Secondary ratings.

**Official Community Plan and Designation:**

Rural Vernon OCP Bylaw No. 1708 (2003)  
Designation: Agricultural/Country Residential/ Major Road

**Zoning Bylaw and Designation:**

Zoning Bylaw No. 1888 (2003)  
Designation: Country Residential Zone (C.R.)  
Minimum Lot Size: 2 ha

**PREVIOUS APPLICATIONS:**

**Application #06043-0**

**Applicant:** M. Petroff  
**Decision Date:** May 30, 1978  
**Proposal:** To subdivide the 4.8 ha subject property into two lot of 2 ha and 2.8 ha.  
**Decision:** Refused on the grounds that the property has good capability for agriculture with irrigation and the subdivision of the parcel would not be in the interest of preserving its agricultural potential and crop options.

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**Application #25083-0**

**Applicant:** R. & M. Serrano  
**Decision Date:** March 6, 1991  
**Proposal:** To subdivide the 4.9 ha subject property into two lots of 2.45 ha each.  
**Decision:** Refused - the Commission did not want to encourage an increase in residential density in the ALR area east of Swan Lake. The Commission believed the property has good agricultural capability which would be reduced by subdivision.

**RELEVANT APPLICATIONS:**

**Application #28333-0**

**Applicant:** Kevin/Cory Uruski/Taylor  
**Decision Date:** October 29, 1993  
**Proposal:** To subdivide the 0.8 ha subject property into two 0.4 ha lots.  
**Decision:** Refused on the grounds that the preservation of adjacent agricultural lands to the east would be more difficult if further subdivision was allowed. Since 1988, the Commission has been consistent in its decision to refuse the densification of the area adjacent to the "working" agricultural lands to the east. This position has been supported by the Regional District due to its concerns regarding excess groundwater and the anticipated drainage problems.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Regional District of North Okanagan:** The application be authorized for submission.

**Development Services:** Recommend that the application not be authorized for submission. The property has agricultural potential (with limitations due to rock outcrops and slope). The proposed subdivision does not address these limitations and may reduce the agricultural options available by reducing the size of the properties. The proposal does not offer compliance with the OCP policies C.1 and C.3.

**Advisory Planning Commission 'B':** Does not support the recommendations of Development Services that the application not be authorized for submission. The APC believes the application should go to the ALC for its deliberation.

**Electoral Area Services Commission:** Recommend that the application be authorized for submission.

**STAFF COMMENTS:**


The Commission has refused two previous subdivision applications on the property on the grounds that the property has good capability for agriculture which would be reduced by subdivision.

**ATTACHMENTS:**

- ALR Base map #82 L/6
- ALR context map
- Map of location, surroundings and proposed lots (provided by Regional District)
- Proposed subdivision (provided by applicant)
- Application outline (provided by applicant)

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**END OF REPORT**

  
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**Signature**

Oct 31, 06  
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**Date**