



**Agricultural Land Commission**  
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March 6, 2007

Reply to the attention of Brandy Ridout  
ALC File: #T - 36763

Alexander & Debbie Born  
11102 Coldstream Creek Road  
Coldstream, BC V1B 1C9

Patrick & Darlene White  
10900 Coldstream Creek Road  
Coldstream, BC V1B 1C9

Dear Sirs/Mesdames:

**Re: Application to Exclude land from the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 688/2006 outlining the Commission's decision as it relates to the above noted application. The Commission would like to apologize for the delay in its reply.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: District of Coldstream (#06-007-ALR)

Enclosure: Minutes

MC/lv  
36763d1



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 3 with a limitation of topography. Land in Class 3 has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

A small portion of the properties (southern) is classified as 40% Class 3, 40% Class 5 and 20% Class 7 with limitations of topography and bedrock near the surface. Class 5 land has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops and Class 7 land has no capability for arable or sustained natural grazing

The Commission discussed the applicant's assertion that the land could not be used for agriculture because of excessive steepness and poor soils. It observed that the soils in the proposed exclusion areas were largely similar to the land to be retained in the ALR, and that the topography was even slightly less steep in the exclusion area. Overall the Commission conceded that the land's steepness offered challenges for agricultural development. For example, the existing U-pick Christmas tree operation was hampered by steep access and winter safety issues. However, the Commission was not convinced that the proposed uses for agriculture were limited to what was occurring on the properties. It recalled that lands of similar steepness existed elsewhere in the ALR, and were used for grazing, hay production and other agricultural uses.

Finally, the Commission also observed that the lands proposed for exclusion were similar to those lands retained within the ALR. It was concerned that should the subject lands be deemed unsuitable for agricultural use then the lands retained within the ALR, due to their similar characteristics, would also be challenged as suitable for retention within the ALR.

### **Assessment of Agricultural Suitability**

The Commission 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 any 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. It was concerned about the reduction in agricultural potential should the southerly areas be excluded and used for residential purposes. The Commission believes the reduction in lot size would reduce the range of available agricultural options and farm income, and that the development of housing on the excluded areas would discourage active agricultural uses of the remaining ALR lands.

### **Assessment of Other Factors**

The Commission recalled its previous decision to include the southerly areas of these properties into the ALR 1998. The lands were included into the ALR as part of an overall ALR review in Coldstream that identified significant hillside areas on the north side of the valley, and these small hillside areas on the south side of the valley as suitable for agricultural uses. The inclusions were not proposed to somehow "balance" other exclusion proposals in the valley, but rather to recognize that these non ALR areas were suitable for farming, and critical to the maintenance of hillside farming in the Coldstream Valley.

### **Conclusions**

1. That the lands under application have agricultural capability and are appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the exclusion 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 Sharon McCoubrey

**SECONDED BY:** Commissioner Sid Sidhu

THAT the application to exclude the southern 1.2 ha of Lot 29 (3.5 ha) and the southern 1.5 ha of Lot 1 (4.5 ha) from the ALR be refused on the grounds the lands are suitable for agricultural uses.

### **CARRIED**

**Resolution # 688/2006**



**Staff Report**  
**Application # T – 36763**  
**Applicants: Alexander & Debbie Born**  
**and Patrick & Darlene White**  
**Location: Coldstream**

**DATE RECEIVED:** June 19, 2006

**DATE PREPARED:** July 14, 2006

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

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

**PROPOSAL:** The application is from two adjacent landowners and is to exclude the southern 1.5 ha of Lot 1 (4.5 ha) and the southern 1.2 ha of Lot 29 (3.5 ha) from the ALR.

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

As per the applicants' letter included with the application, the request for exclusion is being made because:

1. The land was placed into the ALR in 1999 by the Agricultural Land Commission (ALC) so that good land could be removed from the ALR on Aberdeen Road while the total amount of land in the ALR remained the same. The trade-off meant difficult, if not impossible land to farm was included in the ALR.
2. The slopes on the properties range from 16% to 26% and make farming difficult and dangerous.
3. Ground crops produced on the properties have been found to have extremely high DDT levels.
4. As the properties border Kalamalka Provincial Park, they experience a higher than average instance of crop damage (Christmas trees) due to mice, gophers and deer.
5. There is a demand for suburban size lots in Coldstream.

**Local Government:**

The District of Coldstream

**Legal Description of Properties:**

1. PID: 004-817-729  
Lot 1, District Lot 57, Osoyoos Division Yale District, Plan 37137
2. PID: 012-376-736  
Lot 29, Section 14, Township 9, Osoyoos Division Yale District, Plan 320, Except 1) Part lying to the West of a Line Drawn Parallel to and Perpendicularly Distant 334.19 feet from the West Boundary thereof, 2) Plan KAP74467

**BACKGROUND INFORMATION (continued):**

**Purchase Date:**

Lot 1 – September 1986

Lot 29 – February 2004

**Location of Properties:**

10900 and 11102 Coldstream Creek Road, Coldstream

**Size of Properties:**

Lot 1 - 4.5 ha

Lot 29 - 3.5 ha

Both properties are entirely within the ALR

**Present use of the Properties:**

Lot 1 – Presently used for Christmas trees

Lot 29 – Presently no use on 1.2 ha portion

**Surrounding Land Uses:**

**WEST:** Non-ALR, residential

**SOUTH:** Non-ALR, Kalamalka Provincial Park

**EAST:** Tree farm

**NORTH:** Hay field

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82L.024

The majority of the properties is identified as having Prime Dominant ratings. However, a small portion of the properties (southern) is classified as 40% Class 3, 40% Class 5 and 20% Class 7.

**Official Community Plan and Designation:**

Designation: RU.2

**Zoning Bylaw and Designation:**

Designation: RU.2

Minimum lot size: 2 ha

**PREVIOUS APPLICATIONS:**

**On both properties:**

**Application #32390-0**

**Applicant:** Provincial Agricultural Land Commission

**Decision Date:** January 27, 1999

**Proposal:** To include approximately 900 ha into the ALR, primarily hillside grasslands, in Coldstream. The vast majority of this land is owned by the Coldstream Ranch.

**Decision:** Refused - based on its site visits and presentations made at the public hearing. The Commission did, however, include the southfacing grasslands (on the north side of the valley) as well as those lands on the south side of the valley that have reasonably good soils/grassland capability. The total amount of land included was approximately 600 ha.

**PREVIOUS APPLICATIONS (continued):**

**On Lot 29:**

**Application #34651-0**

**Applicant:** David & Marilyn Marcoux

**Decision Date:** January 31, 2003

**Proposal:** To subdivide a 0.6 ha homesite lot from the 4.1 ha property pursuant to the *Homesite Severance Policy*.

**Decision:** Approved - on the grounds that the applicants qualified for a homesite severance.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**District of Coldstream Council:** Support

**OTHER COMMENTS:**

**Stan Combs, Land Use Agrologist, Ministry of Agriculture and Lands:** If the applicants wish to demonstrate the unsuitability of this land for agriculture, recommends they provide an agricultural suitability assessment by a qualified professional agrologist. While high DDT levels may preclude the production of root crops, they do not prevent the production of non-root crops.

**LETTERS FROM INDIVIDUALS:**

Five letters of opposition were received. The main points included in these letters were:

- The 1.5 ha portion of Lot 1 (located south of and above the old irrigation ditch of the Vernon Irrigation District) was part of a 8 ha apple orchard that was operated until 1968. The orchard farmer maintained that it was the best soil of the entire orchard and was less steep than the rest of the orchard to the north.
- Development on these lands is not identified in the OCP and is seen as a "whittling" away for ALR land.
- 88% of the respondents to the OCP survey thought that preserving agricultural land was of medium to high importance.
- Larger acreages are more farmable than smaller lots.

In addition, a petition signed by 38 individuals was received in opposition to the application.

**STAFF COMMENTS:**

Staff suggests the Commission consider the following:

- The area being requested for exclusion was included by the Commission under application #T-32390.
- A site visit may help in determining the suitability of the land for agriculture.

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**END OF REPORT**

Signature



Date

