



**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

August 2, 2007

Reply to the attention of Brandy Ridout  
ALC File: # V - 37045

Ken McKay  
684101 BC Ltd  
PO Box 494  
Okanagan Falls, BC V0H 1T0

Dear Mr. McKay:

**Re: Application for non-farm use in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 349/2007 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 (#D06-03459-030)

Enclosure: Minutes

BR/lv  
37045d1



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

---

A meeting was held by the Provincial Agricultural Land Commission on July 20, 2007 in Vernon, BC.

**PRESENT:** Sue Irvine Chair, Okanagan Panel  
Monika Marshall Chair, Kootenay Panel  
Erik Karlsen Chair, ALC  
Brandy Ridout Staff

**ABSENT:** Sid Sidhu Commissioner

### For Consideration

Application: # V- 37045  
Applicant: 684101 BC Ltd  
Contact: Ken McKay  
Proposal: To use approximately 1.9 ha of the 2.3 ha property for industrial uses  
- specifically 91.44 meters of land that runs parallel along  
Weyerhauser Road that does not include the already approved card  
lock facility on 0.4 ha.  
Legal: PID: 008-933-600  
Lot 3, District Lot 551, Similkameen Division Yale District, Plan 14822  
Location: 1631 Maple Street, Okanagan Falls

### Site Inspection

A site inspection was conducted on July 19, 2007. Those in attendance were:

- Sue Irvine Chair, Okanagan Panel
- Monika Marshall Chair, Kootenay Panel
- Erik Karlsen Chair, ALC
- Brandy Ridout Staff

As it was not possible to get a hold of the applicant by telephone regarding the site visit, a package was sent on July 11, 2007 by registered mail indicating that the Commission would be on the property July 19, 2007. The applicant did not attend the site visit.

### 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 majority of the soil of the subject property is Class 3. (has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both) with limitations of stoniness and soil moisture deficiency.

The land has very good agricultural capability and has been refused exclusion previously.

### **Assessment of Agricultural Suitability**

The Commission assessed whether factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission recalled that it had granted permission for the subdivision and non-farm use of 0.4 ha that was previously part of the subject property. However, it did not believe that this made the remainder of 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 believed that the non-farm use of 1.9 ha of the subject property would negatively impact agriculture because the area would be removed from potential agricultural production. It was also concerned that permission to use the property for a log sort would intensify and legitimize non-farm uses on the property, potentially resulting in more exclusion pressure on the property and adjoining lands.

In addition, local government staff indicated that there are other options for the landowners elsewhere. For example the Commission allowed the use of a nearby 8 ha (Thomas Ranches) for wood-related industrial activities, which is consistent with what was occurring on the subject property.

The Commission believed the proposal would impact existing or potential agricultural use of the subject property and surrounding lands and did not see an agricultural rationale to allow the proposal.

**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 have a negative impact on 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 Marshall

THAT the application to use approximately 1.9 ha for industrial uses be refused.

**CARRIED**

**Resolution # 349/2007**



**Staff Report**  
**Application # V – 37045**  
**Applicant: 684101 BC Ltd**  
**Agent: Ken Mackay**  
**Location: Okanagan Falls**

**DATE RECEIVED:** November 3, 2006

**DATE PREPARED:** February 28, 2007

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

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

**PROPOSAL:** To use approximately 1.9 ha property for industrial uses - specifically 91.44 meters of land that runs parallel along Weyerhauser Road that does not include the already approved card lock facility on 0.4 ha.

This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

The Commission reviewed and refused an exclusion application for the property in 2005.

**Local Government:**

Regional District of Okanagan-Similkameen

**Legal Description of Property:**

PID: 008-933-600  
Lot 3, District Lot 551, Similkameen Division Yale District, Plan 14822

**Purchase Date:**

05/01/2004

**Location of Property:**

1631 Maple Street, Okanagan Falls

**Size of Property:**

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

**BACKGROUND INFORMATION (continued):**

**Present use of the Property:**

Logging truck parking, out buildings, residence, fuel card lock, log sort and storage, private power line to Weyerhaeuser Mill.

**Surrounding Land Uses:**

**WEST:** Light Industries, trucking operations, Weyerhaeuser Lumber Mill, M1  
**SOUTH:** Light Industries, trucking operations, Ken's Trucking, M2  
**EAST:** Light Industries, trucking operations, equipment repair, M2  
**NORTH:** Residence, hay field, agriculture, AG1

**Agricultural Capability:**

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

**Official Community Plan and Designation:**

East Skaha, Vaseux OCP Bylaw No. 1708 (1996) – Business/Other

**Zoning Bylaw and Designation:**

Zoning Bylaw No. 1801 (1998) East Skaha, Vaseux  
Designation: Residential Industrial Zones (M2) and Agricultural One Zone (AG1)

**PREVIOUS APPLICATIONS:**

**Application #10889-0**

**Applicant:** George Repchuk  
**Decision Date:** August 26, 1980  
**Proposal:** To exclude 0.4 ha of the 2.8 ha property that is used for storing logging equipment. The 0.4 ha area would be sold to the adjoining landowner.  
**Decision:** Refused as proposed but allowed the subdivision of the 0.4 ha area subject to the consolidation of the remnant 2.4 ha area with the adjoining property to the north.

---

**Application #10889-1**

**Applicant:** George Repchuk  
**Decision Date:** July 27, 1989  
**Proposal:** To exclude 0.4 ha of the 2.8 ha property for a key lock fuel operation.  
**Decision:** Refused as proposed, but allowed the subdivision of a 0.4 ha lot for a key lock fuel operation subject to fencing and vegetative buffering of the 0.4 ha lot.

---

**Application #35827-0**

**Applicant:** 684101 BC Ltd  
**Decision Date:** April 28, 2005  
**Proposal:** To exclude the 2.3 ha property for the purpose of developing a fuel station and parking area for trucks.  
**Decision:** Refused on the grounds that about half of the area was in productive field uses.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Regional District of Okanagan-Similkameen (RDOS) Board:** No comments or recommendations, as per policy.

**Electoral Area 'D' Director:** Recommends that the application be denied (see letter).

**STAFF COMMENTS:**

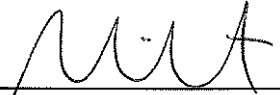
Staff suggests the Commission consider the following:

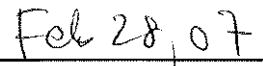
- The property is small and an awkward shape, with an existing non farm use (a truck fueling facility). A small triangular buffer area is to be retained in agriculture use.
- The area is under intense pressure to convert to industrial uses.
- The land has very good agricultural capability and has been refused exclusion previously. Permission to use the property for a log sort would intensify and legitimize non-farm uses on the property, potentially resulting in more exclusion pressure on the property and adjoining lands.
- RDOS staff indicates that there are other options for the landowners elsewhere. For example the Commission allowed the use of a nearby 8 ha (Thomas Ranches) for wood-related industrial activities, which is consistent with what was occurring on the subject property.
- The RDOS indicates that the neighbors are not supportive of the application.

**ATTACHMENTS:**

- ALR Constituent map #16
- RDOS Development Services Department report (page 1-4 of 5)
- Air photo
- January 17, 2007 letter from Area 'D' Director

**END OF REPORT**

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Date