



Agricultural Land Commission
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March 14, 2007

Reply to the attention of Brandy Ridout
ALC File: #T-37068

R C Power & Associates
2916 - 29th Street
Vernon, BC V1T 5A6

Dear Sir:

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

Please find attached the Minutes of Resolution # 32/2007 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: District of Coldstream (#06-012-ALR)

Enclosure: Minutes

MC/lv
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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on February 14, 2007 in Penticton, B.C.

| | | |
|-----------------|------------------|-----------------------|
| PRESENT: | Sue Irvine | Chair, Okanagan Panel |
| | Sharon McCoubrey | Commissioner |
| | Jennifer Carson | Staff |
| | Martin Collins | Staff |

For Consideration

Application: # T- 37068
Applicant: Kashif and Asif Mohammad
Agent: R C Power & Associates
Proposal: To subdivide the 39 ha subject property into six lots ranging from 6 ha to 8 ha for family members in order to intensify agricultural production as per the attached site plan.
Legal: PID: 011-382-287
Lot 1, Section 22, Township 6, Osoyoos Division Yale District, Plan 1473, EXCEPT Plan B7084
Location: 7419 Buchanan Road (KM Orchards Ltd)

Site Inspection

A site inspection was conducted on February 12, 2007. Those in attendance were:

- Sue Irvine Chair, Okanagan Panel
- Sharon McCoubrey Commissioner
- Sid Sidhu Commissioner
- Jennifer Carson Staff
- Martin Collins Staff
- Asif Mohammed Applicant
- Kashif Mohammed Applicant
- Abid Mohammed Applicant
- Nadeem Akhtar Applicant
- Razie Ali Applicant
- Rod Power Agent

Rod Power confirmed that the staff report dated January 8, 2007 was received and no errors were identified.

The agent provided information about the agricultural intentions of the applicants; their commitment to use the land for intensive agriculture, and their willingness to not build homes, or reside on the property (and register covenants to that end).

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 70% Class 1 and 30% Class 2 with a limitation of topography. This is considered prime agricultural capability.

Class 1 – Land in this class either has no or only very slight limitations that restrict its use for the production of common agricultural crops.

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

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 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 believes that the proposed intensification of the agricultural use of the property can be achieved without subdivision. Also the Commission was not convinced that more intensive uses can be achieved (i.e. whether the soils and climate conditions can even support vineyard or orchard production), or that the intensification will even occur following subdivision. The Commission was concerned that if subdivided there would eventually be a home, yard and outbuildings on every parcel, reducing the land's agricultural potential. Overall the Commission is not supportive of subdivision as a means to encourage farming because the inevitable residential uses that are introduced on properties reduce capability, and because it believes that larger parcels offer a broader range of agricultural options both in type and intensity of agriculture, and potential economic return. Further, the Commission believes there are more than enough smaller parcels in the Coldstream Valley which could accommodate the proposed intensive agricultural uses.

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 subdivision is not necessary to facilitate intensive agricultural development.
4. That subdivision has implications that are negative for agriculture in the Coldstream Valley
5. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner McCoubrey
SECONDED BY: Commissioner Irvine

THAT the application to subdivide the 39 ha subject property into six lots ranging from 6 ha to 8 ha be refused.

CARRIED

Resolution # 32/2007



Staff Report
Application # T – 37068
Applicant: Kashif and Asif Mohammad
Agent: R C Power & Associates
Location: Coldstream

DATE RECEIVED: November 14, 2006

DATE PREPARED: January 8, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: Subdivision for a family member: the applicants propose to subdivide the 39 ha subject property into six lots ranging in size from 6 ha to 8 ha for family members in order to intensify agricultural production.

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

BACKGROUND INFORMATION:

The property is owned and farmed by five brothers and their parents. As they have not been able to reach a consensus on what kind of agriculture to pursue, each would like their own lot in order to plant crops they prefer to farm.

Local Government:

The Corporation of the District of Coldstream

Legal Description of Property:

PID: 011-382-287

Lot 1, Section 22, Township 6, Osoyoos Division Yale District, Plan 1473, EXCEPT Plan B7084

Purchase Date:

June 2004

Location of Property:

7419 Buchanan Road (KM Orchards Ltd)

Size of Property:

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

BACKGROUND INFORMATION (continued):

Present use of the Property:

Residential and farm use – alfalfa

Surrounding Land Uses:

WEST: Rural Residence/hobby farms ranging in size from 6-8 ha.
SOUTH: Buchanan Road and very large parcel in cultivation in the ALR
EAST: Warren Road, horses and pasture beyond
NORTH: Grey Canal, hillside Range Land in the ALR

Agricultural Capability:

Data Source: Agricultural Capability Map # 82L.025
The majority of the property is identified as having prime dominant ratings.

Official Community Plan and Designation:

OCP Designation: Agricultural

Zoning Bylaw and Designation:

Zoning Bylaw: N/A
Designation: RU2
Minimum Lot Size: 2 ha

RELEVANT APPLICATIONS:

Application #36332-0
Applicant: Brent Wayne Compton
Decision Date: December 8, 2005
Proposal: To subdivide the 8 ha property into a 3.5 ha lot for a nursery business and a 4.5 ha lot for a residence and hobby farm. The applicant's purpose for the subdivision is to keep their personal home separate from their partnership company.
Decision: Refused - on the grounds that the Commission does not generally approve subdivision of prime land in order to facilitate investment in agriculture.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Coldstream Council: No comments or recommendations with the exception that should the land be subdivided, a covenant be registered against the title of each lot prohibiting further subdivision.

STAFF COMMENTS:

Staff recommends that the Commission consider the following:

- The land has very good agricultural capability and a long history of being cultivated as a unit (for forage crops).
- Although a driveway entrance has been indicated for each proposed lot, no information has been provided as to whether each lot will have its own home and outbuildings. Should this be the case, a significant portion of the ALR would be alienated for homes and yards.

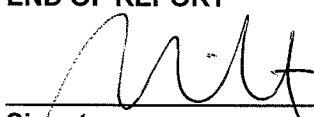
STAFF COMMENTS (continued):

- From the Agricultural Land Capability ratings of the property (7*1 3*2T and 7*2TA 3*3TA), it does not appear that there are any areas that have lower suitability for agriculture that would be less negatively impacted by the location of houses and associated structures.
- An existing road will be used to access the proposed lots.
- The multiple landowners intend to use only small portions of each of the six lots for small scale, intensive agriculture (orchards, nursery crops etc), and retain the northerly portions of the properties in alfalfa (in common).
- The Commission does not usually consider subdivision as being supportive of agriculture. See the above noted relevant application for reference.
- Nothing prevents each of the co-owners from developing different portions of the property for intensive uses without subdivision.

ATTACHMENTS:

- ALR Base Map (1:50,000)
- ALR Constituent Map (1:800)
- Agricultural Capability Map
- Applicant's subdivision/agricultural development plan.
- Air photo (1:5,000)

END OF REPORT



Signature



Date