



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

April 12, 2007

Reply to the attention of Brandy Ridout
ALC File: # V-37149

Mark Pankratz
PO Box 547
Oliver, BC V0H 1T0

Dear Mr. Pankratz:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 101/2007 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: Regional District of Okanagan-Similkameen (#C06-05425-000)

Enclosure: Minutes

BR/lv
37149d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 29, 2007 in Vernon, BC.

PRESENT:	Sue Irvine	Chair, Okanagan Panel
	Sid Sidhu	Commissioner
	Monika Marshall	Commissioner
	Brandy Ridout	Staff
	Martin Collins	Staff

For Consideration

Application: # V- 37149
Applicant: Jagtar and Ajit Toor
Agent: Mark Pankratz
Proposal: To exclude a 1.2 ha area of the 3.5 ha subject property for the development of a "Living Way Christian Centre".
Legal: PID: 008-722-714
Lot 136, District Lot 2450s, Similkameen Division Yale District, Plan 1728, EXCEPT Plan 38956
Location: 33847 Highway 97, Rural Oliver

Site Inspection

A site inspection was conducted on March 28, 2007. Those in attendance were:

- Sue Irvine Chair, Okanagan Panel
- Sid Sidhu Commissioner
- Monika Marshall Commissioner
- Brandy Ridout Staff
- Martin Collins Staff

Mr. Pankratz confirmed that the staff report dated March 13, 2007 was received and no errors were identified.

The Commission viewed the proposed church site, noting the applicant's assertion that although the 1.2 ha area adjacent to the Highway was presently in tree fruit production, it was subject to frost pooling. The applicant also indicated that the current location of the church, north of Oliver, was too far to be convenient for youth ministry and outreach.

The Commission inspected the existing 2 ha church property (which lies outside the ALR) following the site visit and meeting with the applicant's agent. It did not believe that the land occupied by the existing church had similar agricultural capability to the land proposed for church uses.

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 confirmed that the 1.2 ha area under application had good agricultural capability, reflected by the fact it was in agricultural production. The Commission believed that a wind machine could be installed to mitigate frost damage.

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 that the mixed development along Highway 97 renders the land unsuitable for agricultural use. Although there is a significant amount of non-farm development adjacent to Highway 97 south of Oliver, farming still fronts the highway, and provides marketing opportunities.

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 the exclusion proposal would reduce the agricultural capability of the remnant, and raise expectations of land use change in the ALR along the Highway 97 corridor. The Commission also recalled recent applications for non-farm uses on Highway 97 (in the area) which were refused.

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 Marshall

THAT the exclusion application be refused.

CARRIED

Resolution # 101/2007



Staff Report
Application # V – 37149
Applicant: Jagtar and Ajit Toor
Agent: Mark Pankratz
Location: Oliver

DATE RECEIVED: January 4, 2007

DATE PREPARED: March 13, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To exclude a 1.2 ha area of the 3.5 ha subject property for development of a "Living Way Christian Centre".

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

BACKGROUND INFORMATION:

Local Government:

Regional District of Okanagan-Similkameen

Legal Description of Property:

PID: 008-722-714

Lot 136, District Lot 2450s, Similkameen Division Yale District, Plan 1728, EXCEPT Plan 38956

Purchase Date:

12/01/2004

Location of Property:

33847 Highway 97, Rural Oliver (south of the Town of Oliver boundary)

Size of Property:

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

Present use of the Property:

Residence, Mobile Home, Orchard

BACKGROUND INFORMATION (continued):

Surrounding Land Uses:

WEST: Commercial Retail and Farming in the ALR
SOUTH: Residential subdivision in the ALR
EAST: Orchard property in the ALR
NORTH: Residential and Sikh Temple

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E013
The majority of the property is identified as having prime dominant ratings.

Official Community Plan and Designation:

Oliver Rural OCP Bylaw No. 2122 (2002)
Designation: Agriculture

Zoning Bylaw and Designation:

Oliver Rural Zoning Bylaw No. 2123 (2002)
Designation: Agriculture 1 (AG1) Zone
Minimum Lot Size: 4 ha

PREVIOUS APPLICATIONS:

Application #74-0085-0

Applicant: Alfredo Sausa
Decision Date: September 9, 1974
Proposal: To exclude the 2 ha highway frontage portion of the 4 ha property from the ALR because it is a frost pocket.
Decision: Refused.

Application #19918-0

Applicant: Alfred & Ilda Da Sousa
Decision Date: April 24, 1986
Proposal: To subdivide a 0.4 ha Homesite Severance lot from the 4 ha property pursuant to *Homesite Severance Policy*.
Decision: Allowed subject to the conditions of the *Homesite Severance Policy*.

RELEVANT APPLICATIONS:

Application #35753-0

Applicant: Fred & Inga Fritz
Decision Date: February 3, 2005
Proposal: To exclude two properties totaling 4.2 ha from the ALR to develop a one storey commercial building and garden centre (Canadian Tire).
Decision: Refused on the grounds the property has good agricultural capability, supports an orchard and there are other non-ALR lands available.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District Okanagan-Similkameen (RDOS): No comments/recommendations as per policy.

RDOS Electoral Area 'C' Advisory Planning Commission: Request that the application be refused because it is contrary to the Electoral Area 'C' OCP and the proposed subdivision does not conform to the minimum lot size for the AG1 designation.

OTHER COMMENTS:

Two letters were submitted by local citizens who do not support the application. One letter outlines that the property is productive agricultural land and should remain in the ALR. The other letter cites unsafe traffic congestion as the main concern.

STAFF COMMENTS:

Staff recommends that the Commission consider the following:

- The 1.2 ha area has good agricultural capability and is used for agriculture.
- The Commission refused the use of ALR land to the northwest for a highway commercial enterprise.
- The mixed uses evident along the Highway #97 corridor south of Oliver largely reflect either pre-ALR development or the intensification of land uses on parcels of less than 0.8 ha (which are not subject to the ALC Act).

ATTACHMENTS:

- ALR Base Map #82E/14
- ALC Constituent Map #19
- Regional District zoning map (Schedule B)
- Sketch plan of proposal (provided by applicants)
- Air photo

END OF REPORT



Signature



Date