



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: #T - 37204

Russell Shortt, B.C.L.S.
2801 - 32nd Street
Vernon, BC V1T 5L8

Dear Mr. Shortt:

Re: Application to subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 110/2007 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

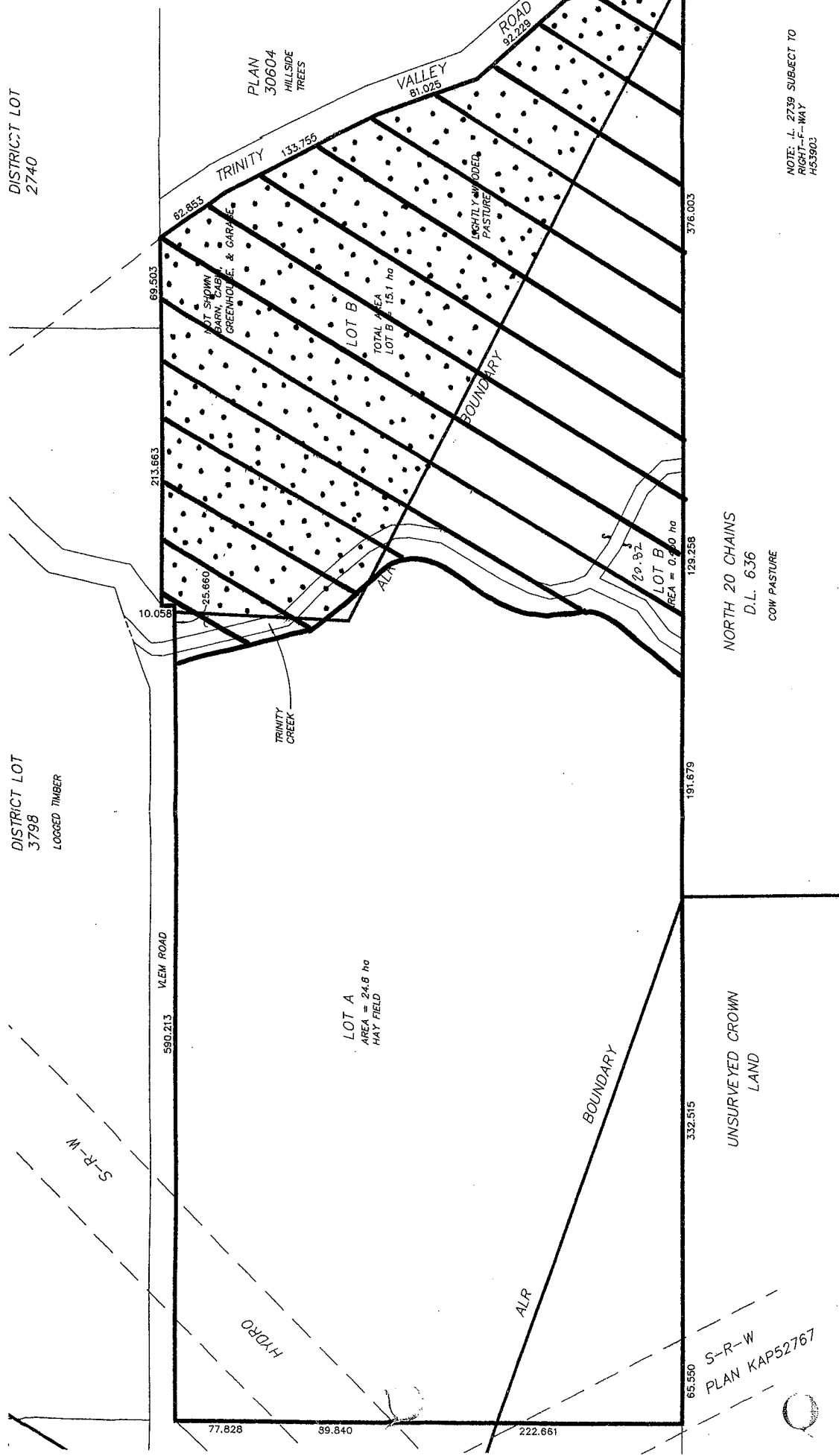
cc: Regional District of North Okanagan (#06-0670-D-ALR)

Enclosure: Minutes/Sketch Plan

BR/iv
37204d1

DISTRICT LOT
2740

DISTRICT LOT
3798
LOGGED TIMBER



PLAN
30604
HILLSIDE
TREES

LOT SHOWN
BARN, CABIN,
GREENHOUSE, & GARAGE

LOT B
TOTAL AREA
LOT B = 15.1 ha

LOT A
AREA = 24.8 ha
HAY FIELD

LIGHTLY WOODED
PASTURE

LOT B
AREA = 0.80 ha


NORTH 20 CHAINS
D.L. 636
COW PASTURE


UNSURVEYED CROWN
LAND

ALR

NOTE: L. 2739 SUBJECT TO
RIGHT-F-WAY
H53903

Provincial Agricultural Land Commission
Application #T-37204
Resolution #110/2007

 Area approved for subdivision
in the ALR

 Area to be included in the ALR

S-R-W
PLAN KAP52767



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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

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

For Consideration

Application: # T- 37204
Applicant: Lorilee Toole
Agent: Russell Shortt, B.C.L.S.
Proposal: To subdivide the 40 ha parcel into one 15 ha parcel and one 25 ha parcel as divided by Trinity Creek.
Legal: PID: 011-366-036
District Lot 2739, Osoyoos Division Yale District, EXCEPT Plan 30604
Location: 2064 Trinity Valley Road, Lumby

Site Inspection

A site inspection was conducted on March 29, 2007. Those in attendance were:

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

Ms. Toole confirmed that the staff report dated March 12, 2007 was received and no errors were identified.

The Commission viewed the property on both sides of the creek, noting the location of the homesite, pasture, corrals, and hayfield. It also noted that the banks of Trinity Creek at the northern boundary of the property were quite steep.

The inclusion of the non-ALR portion of the property was discussed during the site visit and the applicant indicated a willingness to include the land into the ALR.

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.

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 ALR portion of the subject property is 60% Class 4 with limitations of stoniness and topography and 40% Class 5 with limitations of excess water and stoniness. The non-ALR portion of the property is 60% Class 5 and 40% Class 4, both with limitations of topography and stoniness.

Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

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 did not believe there were external factors that render the land unsuitable for agricultural use.

With regard to internal factors, the Commission considered the presence of Trinity Creek on the property. Although the creek runs through the property, effectively dividing it at some times of the year, the Commission noted that the western portion of the property could be accessed by using Vlem Road, located directly north of the subject property. However, the Commission did recognize that the presence of the creek presented challenges to farming the property as a single unit.

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 noted that the property could be subdivided along the ALR boundary without application.

The Commission believed the inclusion of the non-ALR portion of the property lying to the east of the creek would provide a benefit to agriculture. It recognized that the area has similar agricultural capability to land that is in the ALR and that inclusion would limit the potential for further subdivision of the proposed 15 ha lot.

Conclusions

1. That the ALR land under application has agricultural capability and is appropriately designated as ALR and that the non-ALR land lying to the east of Trinity Creek has agricultural capability and merits inclusion into the ALR.
2. That the land under application is suitable for agricultural use, despite the presence of Trinity Creek.
3. That the proposal will not negatively impact agriculture in that the property could have been subdivided along the ALR boundary without application to the Commission and instead will be divided along the creek. In addition, the non-ALR portion of the property lying east of the creek will be included.

IT WAS

MOVED BY: Commissioner Sidhu

SECONDED BY: Commissioner Irvine

THAT the application be allowed subject to the following conditions:

- The inclusion of the non-ALR portion of the property lying to the east of Trinity Creek that has been improved for agriculture (see sketch for area).
- The subdivision be in substantial compliance with the attached plan
- The registration of easements for water and power for the lot lying west of the creek.
- The subdivision must be completed within three (3) years from the date of this decision.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED

Resolution # 110/2007



Staff Report
Application # T – 37204
Applicant: Lorilee Toole
Agent: Russell Shortt, B.C.L.S.
Location: Trinity Valley, North Okanagan

DATE RECEIVED: January 23, 2007

DATE PREPARED: March 12, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To subdivide the 40 ha parcel into one 15 ha parcel and one 25 ha parcel as divided by Trinity Creek.

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

BACKGROUND INFORMATION:

Local Government:

Regional District of North Okanagan

Legal Description of Property:

PID: 011-366-036

District Lot 2739, Osoyoos Division Yale District, EXCEPT Plan 30604

Purchase Date:

02/01/2006

Location of Property:

2064 Trinity Valley Road, Lumby

Size of Property:

40 ha (About 25 ha of the property lies within the ALR).

Present use of the Property:

Proposed Lot A is occupied by a main house, an ancillary 600 square foot guest house, a barn and garage, while the remainder is primarily a hayfield. Proposed Lot B contains some pasture.

BACKGROUND INFORMATION (continued):

Surrounding Land Uses:

WEST: Treed Hillside lying outside the ALR
SOUTH: Pasture in the ALR
EAST: Treed Hillside lying outside the ALR
NORTH: Timber-logged area in the ALR

Agricultural Capability:

Data Source: Agricultural Capability Map # 82L/7
The majority of the property is identified as having secondary ratings.

Official Community Plan and Designation:

Electoral Areas "D" and "E" OCP Bylaw No. 1690 (2001)
Designation: Agricultural/Large Holding/Major Road

Zoning Bylaw and Designation:

Zoning: Bylaw No. 1888 (2003)
Designation: Large Holding Zone (L.H.)
Minimum Lot Size: 30.5 ha

PREVIOUS APPLICATIONS:

Application #07107-0

Applicant: L Eaton
Decision Date: August 9, 1978
Proposal: To dedicate a 10 metre wide right of way for a forest service road, to access lands outside the ALR.
Decision: Allowed.

RELEVANT APPLICATIONS:

Application #34644-0

Applicant: Marlene Wust
Decision Date: June 19, 2003
Proposal: To subdivide a 6 ha lot from the 58 ha property as divided by the Trinity Valley Rd. Only 12 ha are in the ALR.
Decision: Approved on the condition that the land used for the hayfield in the northeast corner of the property be included within the ALR. This would provide a net benefit for agriculture.

Application #35291-0

Applicant: Gerda Cooper
Decision Date: April 8, 2004
Proposal: To include an approximately 46 ha portion of a 57.9 ha property (the remainder of the property) into the Agricultural Land Reserve as a condition of subdivision approval in a previous decision of the Commission.
Decision: Allowed.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District of North Okanagan (NORD): No comments or recommendations.

STAFF COMMENTS:

Staff recommends that the Commission consider the following:

- Subdivision of the nine (9) ha non-ALR area along the ALR boundary is permitted without application to the Commission (as per Regulation #171/2002).
- The best available information about soils suggests that the non-ALR portion of the property has similar agricultural capability ratings as the ALR area.
- The Commission allowed a similar subdivision application in the area subject to inclusion of non-ALR land that was improved for agriculture.
- The inclusion would recognize that the non-ALR land has similar agricultural capability to land that is in the ALR and limit the potential for further subdivision of the 15 ha remnant. Increasing the number of smaller lots in this area would not be supportive of agriculture.

ATTACHMENTS:

- ALR Base Map #82L/7
- NORD map
- Proposed subdivision
- Agricultural Capability Map #82L/7
- Air photo

END OF REPORT

Signature



Date

March 13, 07