



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 1, 2007

Reply to the attention of Brandy Ridout
ALC File: #G - 37417

Victor Sladen
1801 Saucier Road
Kelowna, BC V1W 3C4

Dear Mr. Sladen:

Re: Application to subdivision in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 356/2007 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: City of Kelowna (#A06-0029)

Enclosure: Minutes

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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: # G - 37417
Applicant: Victor Sladen
Agent: Porter Ramsay, Lawyers
Proposal: To subdivide a 0.6 ha lot from the 5.4 ha property in lieu of a homesite severance subdivision. The applicant did not own the property prior to 1972. His father purchased the property in 1953 and it was transferred to the applicant in 1976.
Legal: PID: 011-704-195
Lot 225, Section 32, Township 29, Osoyoos Division Yale District, Plan 1247
Location: 1801 Saucier Road, Kelowna

Site Inspection

A site inspection was conducted on July 20, 2007. Those in attendance were:

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

Mr. Sladen confirmed that the staff report dated July 9, 2007 was received and no errors were identified.

The issue of eligibility under the *Homesite Severance Policy* was discussed.

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 (limitations that require moderately intensive management practices or moderately restrict the range of crops, or both).

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 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. As the Commission believes subdivision of small lots in the ALR to be deleterious to agriculture, it is not eager to allow their creation. The *Homesite Severance Policy* allows special consideration for farmers who have owned their land before December 21, 1972.

The Commission recognized that the property had been in the applicant's family since 1953 and that the applicant had participated in the farming of the property before it was transferred to his name in 1976. However, as the applicant had not owned and lived on the property since December 21, 1972, the Commission could not allow the proposed subdivision as the applicant did not meet the requirements of the *Policy*.

Conclusions

1. That consideration pursuant to the *Homesite Severance Policy* is not applicable.
2. That the land under application has agricultural capability and is appropriately designated as ALR.
3. That the land under application is suitable for agricultural use.
4. That the proposal will impact agriculture.
5. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Karlsen
SECONDED BY: Commissioner Irvine

THAT the application to subdivide a 0.6 ha lot from the 5.4 ha property in lieu of a homesite severance subdivision be refused.

CARRIED

Resolution # 356/2007



**Staff Report
Application # G – 37417
Applicant: Victor Sladen
Agent: Porter Ramsay, Lawyer
Location: Kelowna**

DATE RECEIVED: May 8, 2007

DATE PREPARED: July 9, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To subdivide a 0.6 ha lot from the 5.4 ha property in lieu of a homesite severance subdivision. The applicant did not own the property prior to 1972. His father purchased the property in 1953 and it was transferred to the applicant in 1976.

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

BACKGROUND INFORMATION:

Information has been submitted that the applicant's parents purchased and lived on the property since prior to 1972.

Local Government:

City of Kelowna

Legal Description of Property:

PID: 011-704-195
Lot 225, Section 32, Township 29, Osoyoos Division Yale District, Plan 1247

Purchase Date:

March 23, 1976.
However, the applicant's father purchased the land in 1953

Location of Property:

1801 Saucier Road, Kelowna

Size of Property:

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

BACKGROUND INFORMATION (continued):

Present use of the Property:

Residence and two storage buildings. The property is used to grow cherries

Surrounding Land Uses:

WEST: Agricultural - Nursery
SOUTH: Agricultural - Pasture and horses
EAST: Agricultural - Organic Berries
NORTH: Agricultural - Grapes and Apples

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E.083
The majority of the property is identified as having prime dominant ratings.

Official Community Plan and Designation:

OCP Designation: Agriculture

Zoning Bylaw and Designation:

Zoning Designation: A1 - Agriculture Zone
Minimum Lot Size: 4 ha (Except 2 ha within the ALR)

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

City of Kelowna Council: Forwarded the application with a recommendation of support

City of Kelowna Agricultural Advisory Committee: Supported the proposal.

City of Kelowna Planning Staff: Recommend that the application be supported.

STAFF COMMENTS:

- The applicant does not qualify for consideration under *Homesite Severance Policy*, because he did not own the property before December 1972, nor has information been provided indicating that he was in the process of purchasing the property in December of 1972.
- The property has good agricultural potential. Subdivision of the homesite would result in its replacement on arable land, thus reducing the land's productive capacity. In addition a permanent residential lot would be created within this farm area, with potential for conflict to arise between the resident and the farm operator.
- Should the Commission consider allowing subdivision, it is recommended that the parcel size not exceed 0.2 ha and that fencing and buffering be required around the new lot.

ATTACHMENTS:

- 1:20,000 scale ALC map
- Applicant's sketch plan

END OF REPORT

Signature

July 10, 07

Date