

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: # T - 37454

Bonnie Leibel Lavington Turf Farms Ltd 5770 Petworth Road Vernon, BC V1B 3E4

Dear Ms. Leibel:

Re: Application to subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 360/2007 outlining the Commission's decision as it relates to the above noted application. As representative, it is your responsibility to notify your partners and Margaret Clack 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: The Corporation of the District of Coldstream (#07-011-ALR)

Enclosure: Minutes/Sketch Plan

BR/lv 37454d1



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 Chair, Kootenay Panel

Monika Marshall Erik Karlsen

Chair, ALC

Brandy Ridout

Staff

ABSENT:

Sid Sidhu

Commissioner

For Consideration

Application:

#T-37454

Applicant:

Lavington Turf Farms Ltd

Contact:

Bonnie Leibel

Proposal:

To subdivide a 0.3 ha area from the 15.5 ha subject property and

consolidate it with an adjacent 0.3 ha property.

Legal:

1. PID: 017-991-986

Lot 2, District Lot 87, Osoyoos Division Yale District, Plan KAP48472

2. PID: 008-449-040

Lot 1, District Lot 87, Osoyoos Division Yale District, Plan 17112,

EXCEPT Plan 34220

Location:

Located at T5492 Petworth Road and 9833 Springfield Road, Vernon

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

Bonnie Leibel

Applicant

Ben Leibel

Applicant

Craig Shore

Applical it

Margaret Clack

Applicant
Owner of Lot 1, Plan 17112

Bonnie Leibel confirmed that the staff report dated July 17, 2007 was received and no errors were identified.

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 subject properties is Class 1 (either has no or only very slight limitations that restrict its use for the production of common agricultural crops).

Assessment of Agricultural Suitability

The Commission assessed whether factors have caused or will cause the land to become unsuitable for agriculture. The Commission noted the applicants' statement that the 0.3 ha area proposed for subdivision from the turf farm is unusable for turf growing due to its awkward measurements and irrigation issues (pressure in this area prevents irrigation). Under a previous application, the Commission recognized the jog in the western property boundary may cause difficulty for the turfing operation.

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 if the proposed subdivision/consolidation was allowed, Lot 2 would still have a 0.4 ha area (similarly challenged by awkward measurements and irrigation issues) on which to locate a homesite.

Due to the constraints of irrigation, the Commission believed that the consolidation of the 0.3 ha portion with the adjacent property would increase its likelihood of being used for agriculture.

As such, the Commission did not believe that the subdivision of the 0.3 ha area and its consolidation with Lot 1 would negatively impact agriculture.

Conclusions

- 1. That the land under application has agricultural capability and is appropriately designated as ALR.
- 2. That the suitability of the land under application for agricultural use is challenged by its configuration.
- 3. That the proposal will not negatively impact agriculture.

Page 3 of 3 Resolution # 360/2007 Application # T-37454

IT WAS

MOVED BY: Commissioner Marshall SECONDED BY: Commissioner Irvine

THAT the application to subdivide a 0.3 ha area from the 15.5 ha subject property and consolidate it with an adjacent 0.3 ha property be approved on the grounds that it will not have a negative impact on agriculture.

AND THAT the approval is subject to the following conditions:

- The subdivision be in substantial compliance with the plan submitted with the application.
- The consolidation of the 0.3 ha portion of Lot 2, Plan KAP48472 with Lot 1, Plan 17112.
- 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 # 360/2007

20-NO-304

Plan of Subdivision of Lot 142, Pian 641, (Except Plan B20), Lot 143, 'Plan 641 and Lot 2, Plan 17112, all of D.L. 87, O.D.Y.D.

Provincial Agricultural Land Commission
Application #T-37454
Resolution #360/2007

Subject properties

0.3 ha area approved for subdivision and consolidation in the ALR



Staff Report Application # T – 37454 Applicant: Lavington Turf Farms Ltd Location: Coldstream

DATE RECEIVED: May 28, 2007

DATE PREPARED: July 17, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To subdivide a 0.3 ha area from the 15.5 ha subject property and

consolidate it with an adjacent 0.3 ha property. The 0.3 ha area is unusable for turf growing due to its awkward measurements and irrigation issues

(pressure in this area prevents irrigation).

This application is made pursuant to section 21(2) of the Agricultural Land

Commission Act.

BACKGROUND INFORMATION:

Local Government:

The Corporation of the District of Coldstream

Legal Description of Properties:

PID: 008-449-040
 Lot 1, District Lot 87, Osoyoos Division Yale District, Plan 17112, EXCEPT Plan 34220

PID: 017-991-986
 Lot 2, District Lot 87, Osoyoos Division Yale District, Plan KAP48472

Purchase Date:

Lot 1: February 2006 Lot 2: November 1992

Location of Properties:

Lot 1: T5492 Petworth Road Lot 2: 9833 Springfield Road

Size of Properties:

Lot 1: 0.3 ha (The entire property is in the ALR) Lot 2: 15.5 ha (The entire property is in the ALR) Page 2 of 3 - July 17, 2007 Staff Report Application # T-37454

BACKGROUND INFORMATION (continued):

Present use of the Properties:

Lot 1: Residential.

Lot 2: Turf farm, the 0.3 ha area is not currently used as part of the agricultural operation.

Surrounding Land Uses:

WEST:

Turf Farm

SOUTH:

Land not being used

EAST: NORTH: Residential Hayfield

Agricultural Capability:

Data Source: Agricultural Capability Map # 82L.025

The majority of the properties is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

OCP: N/A

Designation: RU-2 (ALR)

Zoning Bylaw and Designation:

Zoning: N/A

Designation: Rural Two Zone (RU-2)

Minimum Lot Size: 2 ha

PREVIOUS APPLICATIONS:

Application #22751-0

Applicant:

Rod Schneider

Decision Date: December 12, 1988

Proposal:

To establish a turf farm on the 5 ha subject property.

Decision:

Allowed - subject to standard turf farm terms and conditions.

Application #25741-0

Applicant:

Rod & Heather Schneider

Decision Date:

July 18, 1991

Proposal:

To realign property line between two parcels to create one lot of 0.8 ha and one of

Decision:

Refused but would allow subdivision of the 0.8 ha homesite subject to

consolidation of Lot 143, Lot 2, and Lot 142.

Application #26175-0

Applicant:

Lavington Turf Farms Ltd

Decision Date:

May 11, 1992

Proposal:

To develop the two subject properties (6.8 ha and 3.6 ha) as a turf farm for a

period of five years.

Decision:

Allowed - subject to standard turf farm terms and conditions.

Application #33154-0

Applicant:

Lavington Turf Farms Ltd

Decision Date: March 20, 2000

Proposal:

To subdivide a 0.4 ha parcel from the subject property and a second area of +/-

0.3 ha which would be consolidated with one or more of the adjacent parcels

Decision:

Refused due to agricultural capability and impact

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

District of Coldstream Council: The application be forwarded to the Commission for their adjudication.

STAFF COMMENTS:

- Under application #T-33154, the Commission refused the subdivision and consolidation of the 0.3 ha area currently under application. At that time the Commission recognized the jog in the western property boundary may cause difficulty for the turfing operation. However, they noted that the area was very suitable for agricultural production overall and removing it from the balance of the farm would represent a reduction in farmable area.
- Turf farms required an application until 2002. Although an application under the
 Agricultural Land Reserve Use, Subdivision and Procedure Regulation is no longer
 required, a Notice of Intent is required if material is to be brought onto the property to
 replace soil lost through cuttings.

ATTACHMENTS:

- ALR Context Map (1:50,000)
- Orthophoto (1:20,000)
- Plan of subdivision
- Air photo

END OF REPORT

Signature

Date