



Agricultural Land Commission
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October 5, 2007

Reply to the attention of Brandy Ridout
ALC File: # T - 37630

William Maddox
5 -3500 - 30th Street
Vernon, BC V1T 5E8

Dear Mr. Maddox:

Re: Application to include land into the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 486/2007 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:

A handwritten signature in black ink, appearing to read 'E. Karlsen', is written over the printed name.

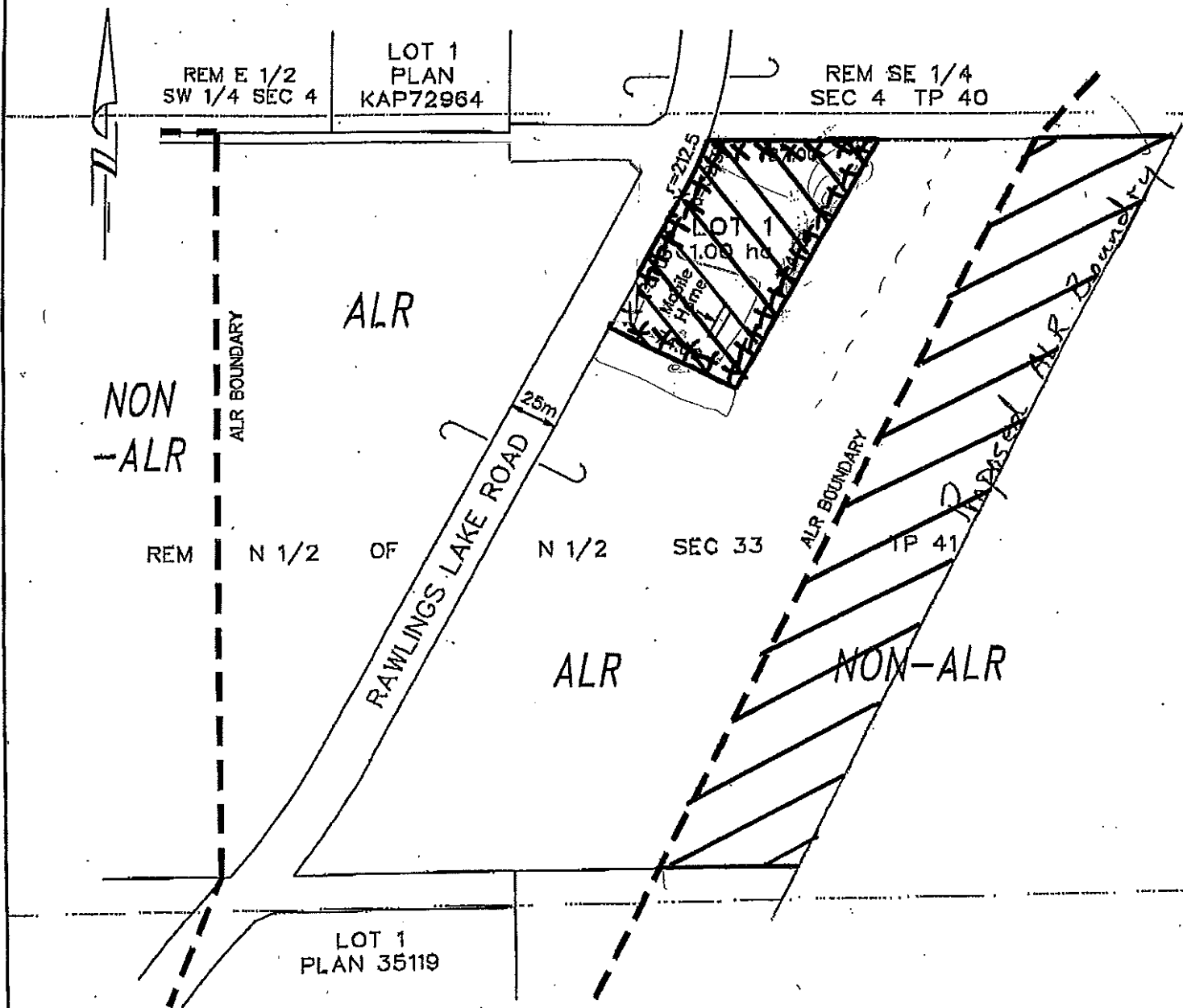
Erik Karlsen, Chair

cc: Regional District of North Okanagan (07-0303-D-ALR)

Enclosure: Minutes/Sketch Plan

BR/lv
37630d1

ALL DISTANCES ARE IN METRES.



79430A02

PLAN OF PROPOSED SUBDIVISION OF
 PART OF THE N 1/2 OF THE N 1/2 OF
 SEC. 33, TP. 41, O.D.Y.D. EXCEPT
 PLANS 28831 AND 37984

SCALE: 1 : 3000	OUR FILE: R7943
DATE: 1 Mar. 06	DRAWN: RB

Richardson

Provincial Agricultural Land Commission
 Application #T-37630
 Resolution #486/2007



2.5 ha area approved for inclusion
 into the ALR



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 20, 2007 in Oliver, BC.

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

For Consideration

Application: # T - 37630
Applicant: Dennis & Lynn Richardson
Agent: William Maddox
Proposal: To include 2.5 ha of the subject property into the Agricultural Land Reserve as required by Resolution # 133/2007 (File T-36453)
Legal: PID: 013-585-479
North ½ of the North ½, Section 33, Township 41, Osoyoos Division
Yale District, EXCEPT Plan 28831 and 37984
Location: 146 Rawlings Lake Road

Site Inspection

A site inspection was not conducted as one was conducted on March 1, 2006 for application #T-36453.

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 2.5 ha area proposed for inclusion is 70% Class 5 with a limitation of topography and 30% Class 6 with limitations of shallow soil/bedrock outcroppings and topography. Class 5 land has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops. Class 6 land is non-arable but is capable of producing native and or uncultivated perennial forage crops.

However, during the March 1, 2006 site visit, the Commission noted that the 2.5 ha area to be included was under cultivation and that the base of the hill was a more appropriate ALR boundary.

IT WAS

MOVED BY: Commissioner Sidhu

SECONDED BY: Commissioner Irvine

THAT the application be approved on the grounds that the Commission required the inclusion of this 2.5 ha cultivated area under Resolution #69/2006 (application #T-36453).

The 2.5 ha area is subject to the *Agricultural Land Commission Act* and *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*.

CARRIED

Resolution # 486/2007



Staff Report
Application # T – 37630
Applicant: Dennis & Lynn Richardson
Agent: William Maddox

DATE RECEIVED: August 22, 2007

DATE PREPARED: September 10, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: To include 2.5 ha of the subject property into the Agricultural Land Reserve as required by Resolution # 133/2007 (File T-36453)

This application is made pursuant to section 17(3) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

Local Government:

Regional District of North Okanagan

Legal Description of Property:

PID: 013-585-479

The North ½ of the North ½ of Section 33, Township 41, Osoyoos Division Yale District, Except Plan 28831 and 37984

Purchase Date:

1991

Location of Property:

146 Rawlings Lake Road, northeast of Lumby

Size of Property:

55 ha (approximately 15 ha are in the ALR).

Present use of the Property:

West of Rawlings Lake Road. Residence, barn and shop. Hayfield, rocky pasture and bush.
East of Rawlings Lake Road: Mobile Home occupied by owner's daughter, son-in-law and children. Use: Rocky hayfield, rocky pasture, bush and mountain-side.

Surrounding Land Uses:

WEST: Rural residential (Louieview subdivision)
SOUTH: Mountain, rocky hillside and small swampy pasture
EAST: Mountains
NORTH: Wild land and wild, rocky land then farm land near lake

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 Area 'D and 'E' OCP Bylaw No. 690 (2001)
Designation: Agricultural/Non-Urban/Major Road

Zoning Bylaw and Designation:

Zoning Bylaw No. 1888 (2003)
Designation: Non-Urban Zone (NU)
Minimum Parcel Size: 7.2 ha

PREVIOUS APPLICATIONS:

Application #36453-0

Applicant: Richardson, Dennis & Lynn

Decision Date: March 02, 2006

Proposal: To subdivide a 1 ha lot for the applicant's daughter from the 55 ha property. The subdivision area is wooded and contains a mobile home that was placed on the site in 1994. The applicants lived in a mobile home on the present site in 1974. The present mobile home was placed on the site in 1994.

The applicant indicates that the land has poor agricultural capability. In addition his father purchased the property in July 1972. However, he never exercised his right of subdivision under Homesite Severance Policy. The property was transferred from the father to the son in 1991.

Decision: Allowed alternate proposal submitted after site visit (modified lot layout and inclusion of 2.4 ha of non-ALR cultivated area into the ALR)

Application #36453-1

Applicant: Richardson, Dennis & Lynn

Decision Date: March 29, 2007

Proposal: To allow a 1.04 ha lot instead of a 1.0 ha lot and to remove the condition of fencing the east boundary of the new lot.

Decision: Refuse on the grounds that the Commission believed it necessary to fence the new lot. The Commission would accept that the homesite be fenced instead of the boundary of the new lot. The Commission did not object to the increase in lot size from 1.0 ha to 1.04 ha.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:


The Local Government forwarded the application with the comment that it would be considered by the Regional Board at its regular meeting on October 2, 2007 and comments forwarded at that time regarding the application. No local government report was submitted with the application.

ATTACHMENTS:

- Minutes of Resolution # 69/2007 including map showing area to be included
- ALC Context Map - # 17 RDNO - 1:10,000 (created by ALC Staff)
- ALC Context Map - 1:10,000 showing area to be included (created in iMap by ALC Staff)

END OF REPORT


Signature


Date