



Agricultural Land Commission
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December 17, 2008

Reply to the attention of Brandy Ridout
ALC File: **V-38065**

Sonoran Consulting
RR2 - Site 48 - Comp 11
Okanagan Falls, BC V0H1R0

Dear Sir:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution #806/2008 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 'Erik Karlsen', written over a white background.

Erik Karlsen, Chair

Enclosure: Minutes

cc: Town of Oliver (05408-000ALR)

MC/
i/38065d1

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

The Commission concurred with the Agrologist reports indicating that the soils on the proposed exclusion and inclusion properties were arable, and that it was possible that the inclusion property was slightly more suitable for grape production than the exclusion property. However, the Commission also believes that the property proposed for exclusion offers a wider range of cropping options and has a proven history of agricultural use when compared with the history of the land proposed for inclusion.

Assessment of Agricultural Suitability

The Commission assessed whether factors such as encroaching non-farm development have caused or will cause the 3.6 ha parcel to become unsuitable for agriculture. The Commission noted that the property borders urban uses on the north, and that mixed farm and non farm uses exist in the surrounding area. However, the Commission does not believe that there are factors that render the land unsuitable for agricultural use.

The Commission also assessed the agricultural suitability of the 6.5 ha area proposed for inclusion. The Commission believes that it is possible that the 6.5 ha area could be developed as a vineyard, but that there is no certainty that the land would prove to be suitable for cultivation in the long term, or that it would continue to be cultivated. In addition, the Commission does not believe that the agricultural benefits arising from including into the ALR, and developing an unproven hillside site for a vineyard, balanced the exclusion of 3.6 ha of proven farmland on which a wider range of crops can be grown.

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 and subsequent development of the 3.6 ha property either for commercial or a commercial/residential mix would have significant impacts on adjoining farmland lying to the west. It is the Commission's experience that cultivated farmland adjacent to urban development tends to cease production and come under development pressure. The Commission's concern, particularly if the land is developed for high density residential uses, is that conflicts will arise between residents and the farmer about the typical noises and spray activity that occurs in orchard/vineyards, and that as a result adjoining farmland to the west and north would either curtail or cease agricultural production.

Assessment of Other Factors

The Commission also considered this application in the context of community planning. It noted that the subject property is identified for urban uses in the ongoing Town of Oliver Growth Boundary Study as well as for general commercial uses in the current Town of Oliver Official Community Plan (OCP). The Commission recalled that it did not support the commercial OCP designation.

Conclusions

1. That the land under application has agricultural capability, is appropriately designated as ALR, and is suitable for agricultural use.
2. That the proposal will negatively impact agriculture.
3. 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 Mayer

THAT the application to exclude 3.6 ha from the ALR be refused.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- S.33 (1) *On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that*
- (a) evidence not available at the time of the original decision has become available,*
 - (b) all or part of the original decision was based on evidence that was in error or was false.*
- (2) *The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

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 # 806/2008