



Agricultural Land Commission
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October 6, 2009

Reply to the attention of Brandy Ridout
ALC File: V-38643

Jennifer Harwood
RR2 - Site 5 - Comp 12
37494 - 71 Street
Oliver, BC V0H1T0

Dear Ms. Harwood:

Re: Application to Subdivide Land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #985/2009 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the 'Per:' label.

Erik Karlsen, Chair

Enclosure: Minutes

cc: Regional District of Okanagan-Similkameen (C08-06391-000)

BR/
38643d1

Discussion

Assessment of Agricultural Capability

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system indicates that the agricultural capability of the soil of the subject property is 70% Class 3 with limitations of excess water and soil moisture deficiency that require moderately intensive management practices or moderately restrict the range of crops and 30% Class 5 with limitations of excess water and low fertility characteristics that restrict its capability to producing perennial forage crops or other specially adapted crops. The majority of the property is considered to have prime ratings for agriculture.

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 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 applicant had indicated that the original proposal should have been for a much larger area, the Commission considered the proposal as well as any possible subdivision of the property.

The Commission noted that the subdivision was being requested to separate the barns, paddocks and house from the property to leave a remainder that could be used for a vineyard or orchard. If approved, this would result in two smaller lots instead of one 3.2 ha lot, each with a house and accompanying structures removing land from possible agricultural use and being more limited in the range of farming activities that could be practiced due to their smaller size. In this case, the Commission believed that the subject property had more agricultural potential as a single unit and that subdivision would negatively impact the agricultural opportunities available in the long-term.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will have a negative impact on agriculture.

IT WAS

MOVED BY: Commissioner Mayer

SECONDED BY: Commissioner Sidhu

THAT the application to subdivide a 0.8 ha lot from the 3.2 ha subject property 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. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED
Resolution #985/2009