



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

April 29, 2009

Reply to the attention of Brandy Ridout
ALC File: **V-38664**

Alan Tyabji
RR3 - Site 10A - Comp 9
Oliver, BC V0H1T0

Dear Mr. Tyabji:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution #95/2009 outlining the Commission's decision as it relates to the above noted application. As coordinator, it is your responsibility to notify the other applicants accordingly. A copy of the decision has been included for each applicant (6).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

Enclosure: Minutes

cc: Town of Oliver (ALR-2008-03)

BR/
i/38664d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 26, 2009 in Vernon, B.C. via conference call.

PRESENT: Sid Sidhu Commissioner
Gerald Zimmermann Commissioner
Brandy Ridout Staff
Martin Collins Staff

ABSENT: Roger Mayer Chair, Okanagan Panel

For Consideration

Application: # V- 38664
Applicants: Dias, Tyabji, Turik, Forsythe, Knodel, Von Hahn
Proposal: To exclude six properties (2 x 0.8 ha, 2 x 5 ha, 2 x 3.5 ha) from the ALR for residential development.

Legal:

1. PID: 001-580-281
Lot 1, District Lot 2450s, Similkameen Division of Yale District, Plan 10643
2. PID: 002-261-162
Lot 3, District Lot 2450s, Similkameen Division of Yale District, Plan 4599, EXCEPT 1) Parcels L and 15 on Plan A1274, 2) Plan 35937
3. PID: 002-258-897
Lot A, District Lot 2450s, Similkameen Division of Yale District, Plan 35937
4. PID: 001-456-652
Lot 4, District Lot 2450s, Similkameen Division of Yale District, Plan 4599
5. PID: 010-892-621
Lot 4, District Lot 2450s, Similkameen Division of Yale District, Plan 3077, EXCEPT Plan 34657
6. PID: 009-430-725
Lot 1, District Lot 2450s, Similkameen Division of Yale District, Plan 12471, EXCEPT Plan KAP49726

Location: Between Tugulnuit Lake and the Okanagan River, north of Oliver

Site Inspection

A site inspection was conducted on March 24, 2009. Those in attendance were:

- Roger Mayer Chair, Okanagan Panel
- Gerald Zimmermann Commissioner
- Brandy Ridout Staff
- Martin Collins Staff
- Jose Dias Applicant
- Alan Tyabji Applicant
- Henry Turik Applicant
- Ronald Forsythe Applicant
- Gordon Von Hahn Applicant

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. While the Commission believes the impact of the exclusion proposal would be contained because the properties are bounded to the west by the Okanagan River and to the east by an existing urban subdivision, it also notes that the proposal represents a loss of 18 ha of ALR, much which has good agricultural capability.

Assessment of Other Factors

The Commission recalled that it recently refused the exclusion of the agricultural property lying to the south of the subject lands (application #V-38076).

The Commission also recalled its previous decision affecting the subject properties, which permitted some exclusion adjacent to Tukulnuit Lake (on the Knodel and Von Hahn properties), noting that the exclusion of the foreshore areas had not proceeded. In addition, two of the parcels (Turik/Forsythe) were rather small (0.8 ha) for agricultural development. In particular the Turik property was a former gravel pit. However, these smaller 0.8 ha lots lay at the northerly end of the exclusion area. If excluded and subdivided into smaller lots, suburban development would surround the remaining large ALR parcels, further increasing pressures to exclude the land from the ALR and possible land use conflicts.

The Commission also recalled that it had not endorsed the Town of Oliver Growth Study which identified this area for future residential growth. The Commission believed that residential pressures should not be accommodated on farmlands, but should be redirected to non-ALR lands.

Conclusions

1. That the land under application has agricultural capability, is appropriately designated as ALR, and is suitable for agricultural use.
2. That the exclusion 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 Zimmerman

SECONDED BY: Commissioner Sidhu

THAT the application to exclude six properties totalling 18 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,*