



Agricultural Land Commission
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April 9, 2010

Reply to the attention of Brandy Ridout
ALC File: 50989

Dawn Williams
D.E. Pilling & Associates Ltd
200 - 540 Groves Avenue
Kelowna, BC V1Y 4Y7

Dear Ms. Williams:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution #2350/2010 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your clients 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. It will also confirm for the Registrar the exclusion of the property from the ALR.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact the District of Lake Country.

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: District of Lake Country (File # ALR-2007-002)

BR/
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A meeting was held by the Provincial Agricultural Land Commission on March 17, 2010 in Kelowna, B.C.

PRESENT:	Roger Mayer	Chair, Okanagan Panel
	Gerry Zimmermann	Commissioner
	Brandy Ridout	Staff
	Martin Collins	Staff

For Consideration

Application: 50989
 Applicant: Glen & Laurie Bowman
 Agent: D.E. Pilling & Associates Ltd - Dawn Williams
 Proposal: To exclude the 2.1 ha subject property from the ALR to develop it for village commercial and multifamily use.
 Legal: Lot 1 District Lot 169 Osoyoos Division Yale District Plan 10040
 PID: 009-625-402
 Location: 3118 Reimche Road, Lake Country

Site Inspection

A site inspection was conducted on March 17, 2010. Those in attendance were:

- Roger Mayer Chair, Okanagan Panel
- Gerry Zimmermann Commissioner
- Brandy Ridout Staff
- Martin Collins Staff
- Glen Bowman Applicant
- Dawn Williams Agent

The Commission viewed the property and the existing greenhouse operation. Discussion items included the applicants' need to move to a larger property (4 ha) as the operation had outgrown its current location, the plans for the property, the Woodsdale Neighbourhood Plan (1999), and the surrounding uses.

It was confirmed that the staff report dated February 9, 2010 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. Using the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system, the agricultural capability ratings of the subject property were identified as predominantly 60% Class 2A and 40% Class 3AW. A small portion of the southwest section of the property was identified as 70% Class 5T and 30% Class 6T.

Classes:

- Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.
- Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.
- Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.
- Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

Subclasses:

- A soil moisture deficiency
- T topography
- W excess water

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 noted that the property was an isolated lot in the ALR surrounded by properties designated for high density residential, mixed use commercial and institutional. While the property currently housed a functioning greenhouse operation, if the surrounding properties were to be developed to their full potential, land use conflicts had the possibility to occur in the future.

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 majority of the property had prime agricultural capability ratings and contained an existing greenhouse operation, the Commission was reluctant to allow the exclusion of the property from the ALR. However, it recognized that local government planning had been undertaken in the past to identify the property for mixed commercial and high density residential in the Woodsdale Plan without objection from the Commission.

The Commission believed that requiring a residential density of 30 units per hectare for the portion of the property planned to be developed for residential use would act to reduce residential pressures on other ALR lands. Therefore, confirmation of a bylaw amendment for the property and a strata plan showing the required density would be required before the property was excluded from the ALR.

IT WAS

MOVED BY: Commissioner Mayer
SECONDED BY: Commissioner Zimmermann

THAT the application to exclude the 2.1 ha subject property from the ALR to develop it for village commercial and multifamily use be approved subject to the following conditions:

- The submission of confirmation of a bylaw amendment for the property indicating a residential density of 30 units/ha.
- The submission of a strata plan showing a residential density of 30 units/ha.
- The exclusion 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. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED

Resolution #2350/2010