



**Agricultural Land Commission**  
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October 25, 2005

Reply to the attention of BRANDY RIDOUT

Ken & Susan Blacklock  
3031 Elliot Road  
Westbank, BC - V4T 1M2

Dear Mr. and Mrs. Blacklock:

Re: **Application #G-36222**

PID: 018-310-737

Lot A, District Lot 804, Osoyoos Division Yale District, Plan KAP50061, EXCEPT  
Plan KAP68026

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide the 11.9 ha parcel into one parcel of 2.3 ha and one parcel of 9.6 ha. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*.

The Commission wishes to thank you for taking the time to meet with its representatives on October 13, 2005. The Commission found the meeting and site visit informative.

During the application process the Commission discussed the details of your proposal including the current agricultural activity and overall agricultural capability of the subject property as well as the impact on agriculture of dividing the property as proposed.

In the Commission's view, although the whole property is not presently being used for agriculture, the parcel has more agricultural value as a single unit than as two separate parcels. This is due to the fact that, in general, reduction of parcel size reduces the available options for commercial agricultural use. The Commission believed that subdivision would negatively impact the agricultural opportunities available to the subject property in the long-term.

For this reason, the Commission refused your application as proposed.

The decision noted above is recorded as Resolution #536/2005.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

per:

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

Erik Karlsen, Chair

cc: Regional District of Central Okanagan - A-05-06

BR/lv/36222d1





**Staff Report**  
**Application # G – 36222 – 0**  
**Applicant: Ken & Susan Blacklock**

**DATE PREPARED:** September 27, 2005

**TO:** Chair and Commissioners – Okanagan Panel

**FROM:** Simone Rivers, Regional Research Officer

**PROPOSAL:** To subdivide the 11.9 ha parcel into one parcel of 2.3 ha and one parcel of 9.6 ha

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

The applicant states that the proposed subdivided parcel is topographically separated from the remainder of the property and that it has never been farmed as a unit and therefore has no impact on the farm. He further states that the flat piece of the proposed subdivision is just under 0.4 ha and has good soil, but that agriculture is limited because it is in a frost pocket and because of the topography, there is very little air movement. There were fruit trees at one time on this part of the property but because of the frost pocket they were not viable. Further, due to the topography, it does not make sense to haul the equipment down to that piece of land to cut. The upper piece is not affected by frost as there is good air movement.

In a supplemental submission to the Commission (attached for the Commission's information) the applicant further stated that the property is located in an area of the ALR which is comprised of lot sizes to the south and east ranging from 0.6 ha to 5.3 ha in size and that his proposed subdivision is well within the average size of surrounding ALR lands.

The applicant states that the proposed subdivision would be serviced by the Westbank Irrigation District and that the existing driveway from Elliott Road would remain as primary access to this proposed lot.

A soils and land capability assessment was made for the 2.3 ha proposed subdivision by Herb Luttmerding and submitted with the application. The conclusion of the report is as follows: That about 70% of the subdivision area (not the entire subject property) is either non-arable or only marginally arable due to excessive topography.

The local government report notes that an application to subdivide this property in 1995 was refused by the Commission but that in that application the proposed subdivision of a parcel along the west side of the property bisected better quality farmland than what is proposed in this application.

**Local Government:**

Regional District of Central Okanagan

**Legal Description of Property:**

PID: 018-310-737

Lot A, District Lot 804, Osoyoos Division, Yale District, Plan KAP50061, Except Plan KAP68026

**Purchase Date:**

March, 2003

**Location of Property:**

3031 Elliott Road near the Smith Creek neighbourhood, Westside

**Size of Property:**

11.9 ha (The entire property is in the ALR).

**Present use of the Property:**

Residence, barn and other outbuildings

**Surrounding Land Uses:**

**WEST:** Residential (ALR)  
**SOUTH:** Orchards (ALR)  
**EAST:** Rural (non-ALR)  
**NORTH:** Residential subdivision (non-ALR)

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82E/13  
The majority of the property is identified as having Mixed Prime and Secondary ratings.

**Official Community Plan and Designation:**

Westside Official Community Plan, Bylaw No. 1050 designates the parcel as 'Agricultural'

**Zoning Bylaw and Designation:**

Zoning Bylaw #871 designates the parcel as 'A1- Agriculture'

**PREVIOUS APPLICATIONS:**

**Application #29962-0**

**Applicant:** Blacklock, Ken & Susan  
**Decision Date:** September 12, 1995  
**Proposal:** To subdivide approximately 3.2 ha from the 11.8 ha property in order to finance future agricultural development to be determined.  
**Decision:** Refused as the Commission felt that the property had a reasonable degree of agricultural potential which would be negatively impacted upon by the proposal.

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**Application #03341-0**

**Applicant:** Verbeek, H & I  
**Proposal:** To subdivide a residential building site from the property  
**Decision:** Refused but a mobile home (second dwelling) was allowed

**RELEVANT APPLICATIONS:**

**Application #18544**

**Applicant:** Coster  
**Proposal:** To subdivide a 0.1 ha lot from the 1.5 ha parcel.  
**Decision:** Allowed

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**Application #25750**

**Applicant:** Kendal  
**Proposal:** To exclude 2.7 ha from the ALR  
**Decision:** Refused but allowed exclusion of 0.7 ha north of the right-of-way due to poor agricultural capability.

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**Application #27246**

**Applicant:** Springford  
**Proposal:** To exclude the 4.4 ha property to allow for residential development  
**Decision:** Refused but would allow if a development plan submitted showed no development lower than 570 m elevation countour and that the area below this level would be developed only as buffering for the agricultural lands to the south.

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**Application #21462**

**Applicant:** Klinkert  
**Proposal:** To subdivide along the ALR boundary  
**Decision:** Allowed

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**Application #22867-0**

**Applicant:** Klinkert  
**Proposal:** To exclude the property and subdivide it into residential lots.  
**Decision:** Refused

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**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Regional Board (Regional District of Central Okanagan):** The application is supported by the Regional Board.

**Westside South Advisory Planning Commission:** The APC does not support the application and notwithstanding the comments from the applicant, the APC stated that there doesn't appear to be any benefit to agriculture or to the community as a whole to subdivide the property. A future owner may argue that the land is not a viable farm and for that reason propose exclusion and further subdivision of the subdivided parcel. There is a general concern regarding the subdivision of agricultural land into smaller and smaller portions, as they are generally not viable.

**Agricultural Advisory Committee:** The APC supports this application even though the following questions were asked at the time of the meeting:

- What is stopping the applicant from removing land from the ALR in the future?
- There is already a secondary mobile home on the property.
- Can farm status be maintained (*on the newly subdivided property*)? Probably not. Will the owner find it too costly taxation wise and ask for exclusion and subdivision in the future?

The majority supported this application, but there were comments that even though the property was on a hillside, goats could be raised on this property. It was also noted that tax implications may be problem in the future.

**OTHER COMMENTS:**

**Resource Stewardship Agrologist, Ministry of Agriculture and Lands:** In response to a referral from the Regional District the Resource Stewardship Agrologist stated that he does not support the application. The Agrologists Comments are attached for the Commission's information

**Land Use Agrologist, Ministry of Agriculture and Lands:** In response to a referral from the Regional District the Land Use Agrologist stated that he does not support this application, as it would introduce residences into the ALR, with the attendant nuisance issues.

**STAFF COMMENTS:**

Staff recommend that the Commission consider the following:

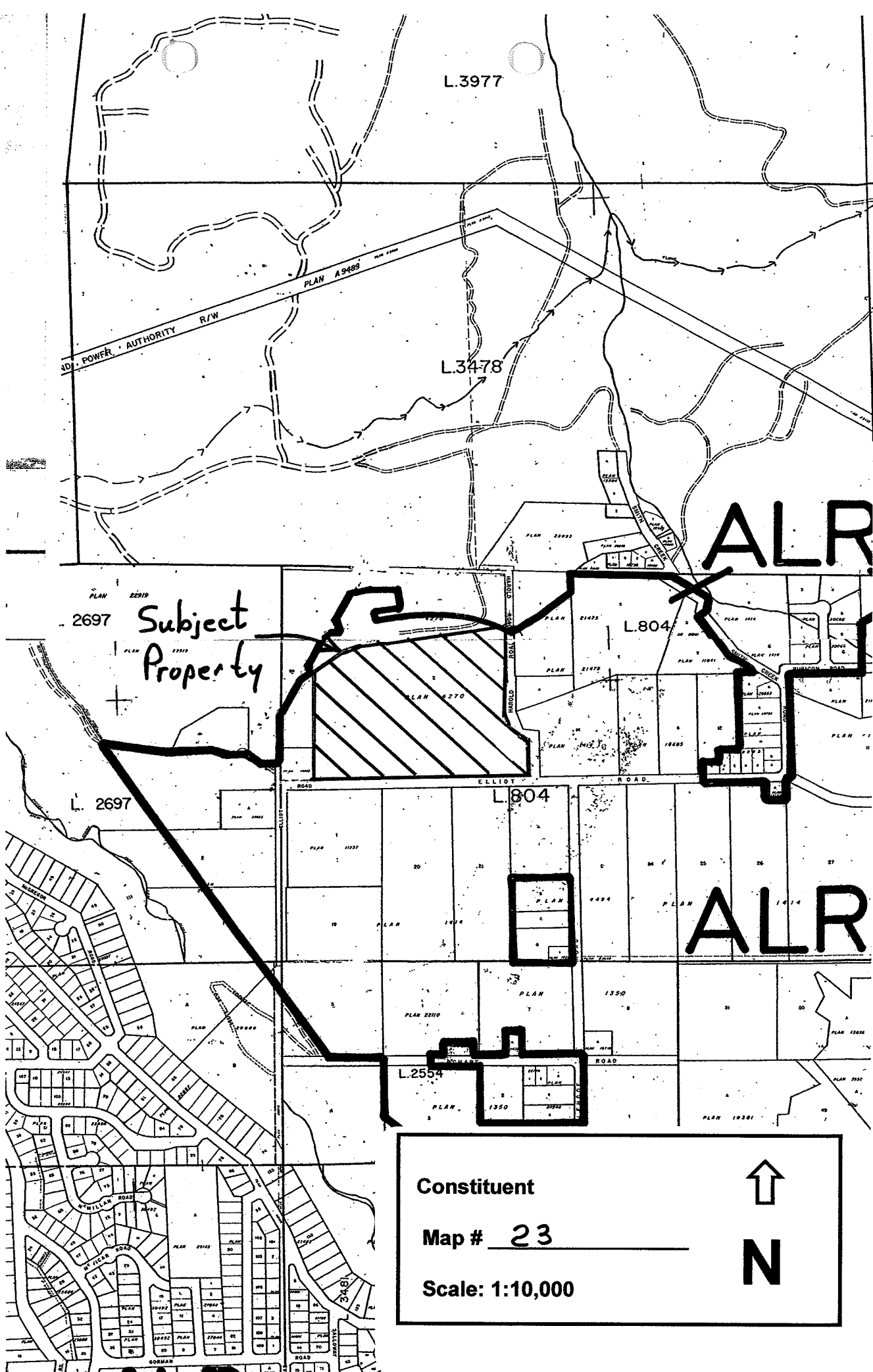
- Two previous subdivision applications on for this property have been refused
- Staff recommend a site visit in order to determine the agricultural potential of the subject property as well as to evaluate the agricultural activity in the surrounding area.

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**END OF REPORT**

Simone Rivers  
Signature

Oct 10.5/05  
Date



PLAN 22919  
2697 Subject Property

L.3977

L.3478

ALR

L.804

L. 2697

L.804

ALR

L.2554

Constituent ↑  
Map # 23  
Scale: 1:10,000 N