



Agricultural Land Commission
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December 23, 2005

Reply to the attention of Brandy Ridout
ALC File #T-36332

Brent Wayne Compton & Shelley Rose Cheremkora
6800 Learmonth Road
Coldstream, BC V1B 3G9

Dear Mr. Compton & Ms. Cheremkora:

Re: **Application to subdivide land within the Agricultural Land Reserve**

Please find attached the Minutes of Resolution #679/2005 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: District of Coldstream - 05-031-ALR

BR/lv/Encl.
36332d1

Resolution #679/2005

#T-36332

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IT WAS

MOVED BY: Commissioner Irvine

SECONDED BY: Commissioner McCoubrey

THAT the staff report be received

AND THAT the application to subdivide the 8 ha property into two lots; a 3.5 ha lot for a nursery business and a 4.5 ha lot for a residence and hobby farm, be refused on the grounds that the land's long-term potential for farm use would be reduced as a result of subdivision. Furthermore, the Commission holds the view that it would be inappropriate and counter-productive to support the subdivision of prime land in order to facilitate investment in agriculture.

CARRIED



Staff Report
Application # T – 36332-0
Applicant: Brent Wayne Compton
Location: 6800 Learmouth Rd, Coldstream

DATE RECEIVED: October 27, 2005

DATE PREPARED: November 14, 2005

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To subdivide the 8 ha property into two lots; a 3.5 ha lot for a nursery business and a 4.5 ha lot for a residence and hobby farm. The applicant's purpose for subdivision is to keep their personal home separate from their partnership company.

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

BACKGROUND INFORMATION:

Local Government:

The Corporation of the District of Coldstream

Legal Description of Property:

PID: 010-336-354

Lot 2, Section 14, Township 6, ODYD, Plan 5489, EXCEPT Plan 5902

Purchase Date:

April 2005

Location of Property:

6800 Learmouth Road, Coldstream

Size of Property:

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

Present use of the Property:

Pasture for horses, hay, residence.

BACKGROUND INFORMATION (continued):

Surrounding Land Uses:

WEST: 4 ha hobby farm in the ALR
SOUTH: Rural residential 2 ha lot outside the ALR
EAST: 7 ha lot in pasture in the ALR
NORTH: 8 ha and 16 ha agricultural properties in the ALR

Agricultural Capability:

Data Source: Agricultural Capability Map # 82L/3
The majority of the property is identified as having prime dominant ratings.

Official Community Plan and Designation:

District of Coldstream Official Community Plan, Designation: RU.2 (ALR)

Zoning Bylaw and Designation:

District of Coldstream Zoning Bylaw No. 1382 (2002)
Designation: Rural Two Zone (RU.2), Minimum lot size: 2 ha

RELEVANT APPLICATIONS:

Applications from adjacent properties:

Application #34099-0

Applicant: Paul & Anna Dumont
Decision Date: February 6, 2002
Proposal: To subdivide a 21 ha property into two lots of 10.1 and 10.9 ha.
Decision: Refused - because of concerns about reduced agricultural capability, but allowed the subdivision of a homesite lot on the grounds that the applicant qualified for consideration under the Homesite Severance Policy.

Application #35420-0

Applicant: Elisabeth Dolinski
Decision Date: July 28, 2004
Proposal: To subdivide a 2 ha lot from 10.5 ha property. The applicants propose to sell the 2 ha lot and residence, and then build a new residence on the larger lot.
Decision: Refused - on the grounds that the property has good agricultural capability.

Recent decisions in the region:

Application #35654-0 (Oliver area)

Applicant: Gregory Thorp
Decision Date: February 3, 2005
Proposal: To subdivide the 19.8 ha parcel into two lots; 6.3 ha to build greenhouses and an office; and 13.5 ha that will continue to be leased for agricultural purposes.
Decision: Allowed - subject to the binding of the titles of the proposed 6.3 ha lot (lowland area) and the homesite lot (greenhouse operation). The Commission would be prepared to remove the covenant if the lowland area is substantially developed for greenhouses.

RELEVANT APPLICATIONS (continued):

Recent decisions in the region (continued):

Application #35677-0 (Lake Country)

Applicant: LGR and Sons Ltd. (Romei)

Decision Date: February 3, 2005

Proposal: To subdivide the 25 ha property into three lots, two of 9 ha and one of 7 ha – as divided by Terrace View Road and a natural gully. The purpose of the subdivision is to facilitate agricultural investment and develop the properties as three separate agricultural entities.

Decision: Refused - on the grounds that it does not generally subdivide good land in order to facilitate investment in agriculture. The Commission has no means to ensure that the property will (or continue to) be developed for agriculture as proposed.

Application #35977-0 (Lumby area)

Applicant: Jason Quesnel

Decision Date: June 9, 2005

Proposal: To subdivide a 7.2 ha lot from the 22 ha property in order to raise capital to purchase dairy quota.

Decision: Refused – although the entire property might not be ideal for soil-based agriculture, its mixture of prime and secondary (pasture) soils make it suitable as a small farm. The Commission did not want to set a precedent for subdivision for reasons such as financing.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

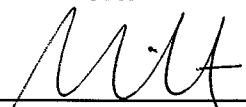
District of Coldstream: Forwarded the application without comments.

STAFF COMMENTS:

Staff recommends that the Commission consider the following:

- The property has prime agricultural capability ratings.
- Generally the Commission has not allowed subdivision to finance a business or protect home equity in the region.
- Similar subdivision requests have been refused in the area.
- There is no certainty that the business will be developed.
- If permitted, there are concerns about raising expectations of similar requests for subdivision in the area.

END OF REPORT

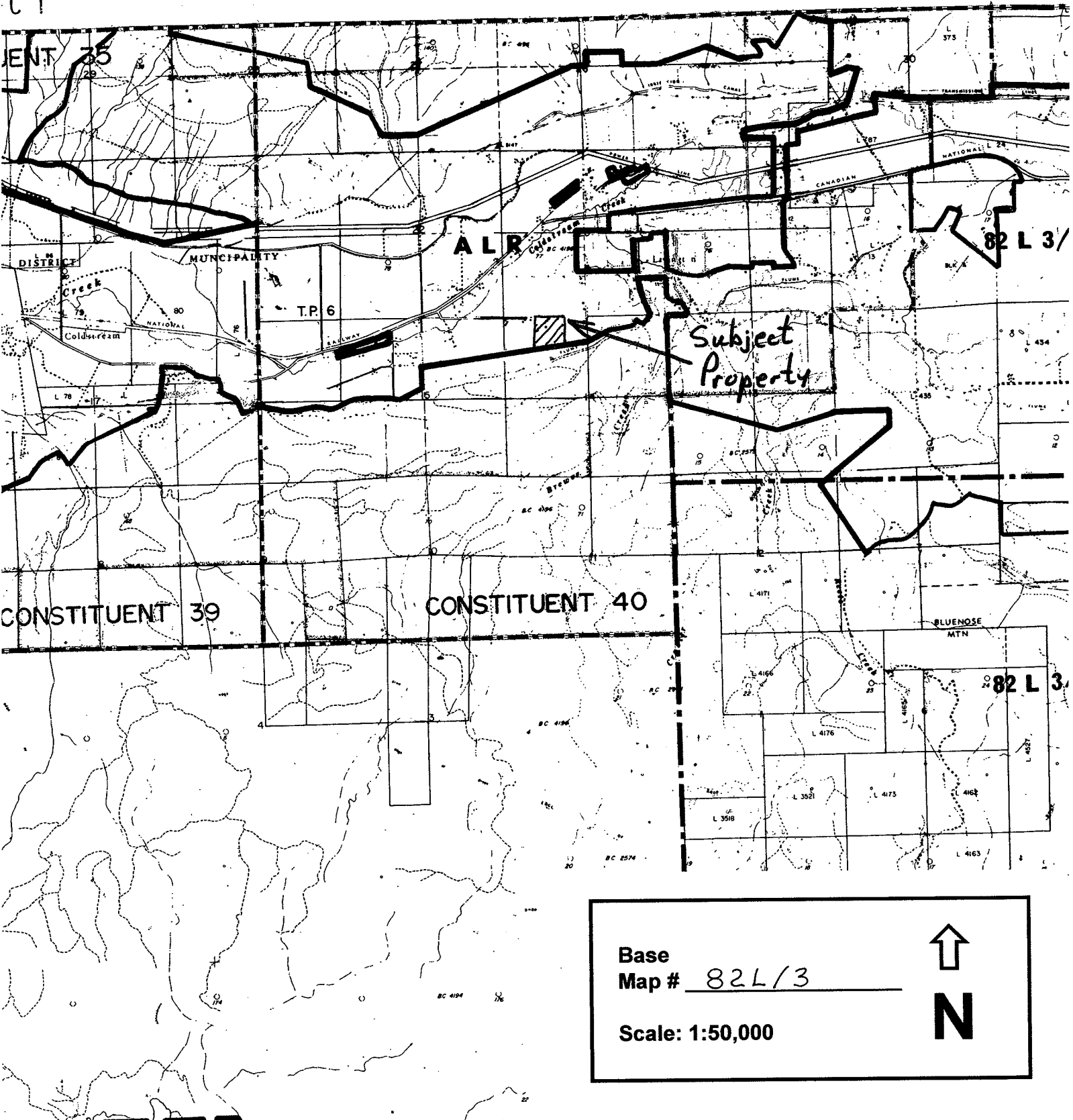


Signature

Nov 16, 05

Date

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Subject
Property

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