



Agricultural Land Commission
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January 25, 2006

Reply to the attention of Brandy Ridout
ALC File #V-36381

Thomas Ranches Ltd
RR1 - Site 23
Okanagan Falls, BC V0H 1R0

Dear Sirs:

Re: Application to subdivide in the Agriculture Land Reserve

Please find attached the Minutes of Resolution #13/2006 outlining the Commission's decision as it relates to the above noted application.

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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of Okanagan-Similkameen (#D-05-07062-000)

BR/lv/Encl. Minutes
Sketch Plan

36381d1

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on January 19, 2006 at the Ministry of Agriculture and Lands office located at 4607 - 23rd Street, Vernon, BC.

PRESENT:	Sue Irvine	Chair, Okanagan Panel
	Sharon McCoubrey	Commissioner
	Sid Sidhu	Commissioner
	Brandy Ridout	Staff
	Martin Collins	Staff

For Consideration

Application # V-36381
Applicant Thomas Ranches Ltd
Proposal To subdivide two adjoining lots of 70 ha and 16 ha into four lots as divided by existing roads and non-farm activities. The sizes of the proposed lots are 27 ha, 23 ha, 34 ha, and 1 ha.
Legal 1. PID: 007-492-065
District Lot 3090, Similkameen Division Yale District, EXCEPT Plans A11286, B4251, 13155, 20479
2. PID: 007-492-111
The North 80 Acres of Sublot 37, District Lot 2710, Similkameen Division Yale District, Plan 1189, EXCEPT Plan 24048
Location Oliver Ranch Road, South of Okanagan Falls

Site Inspection

A site inspection was conducted on January 17, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey, and Sid Sidhu
- Staff: Brandy Ridout and Martin Collins
- Applicants: Morris and Lloyd Thomas
- Electoral Area 'D' Director Bill Schwarz

The applicants confirmed that they received the staff report dated January 4, 2006 and did not identify any errors.

During the site inspection, the applicants brought up the Commission's previous decision (Resolution # 235/2004) to allow intensified industrial uses on the property, subject to the irrigation and intense develop of an 8 ha area. They noted that although a well had been dug, no water source had yet been found on the site.

A letter was provided to the Commission outlining the history of Thomas Ranches and ongoing issues with the Nature Trust. Although this letter did not directly relate to this application, it was added to the file for future reference.

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.

The Act provides processes for landowners, local governments and First Nation governments to apply to the Commission to include land into the ALR, remove land from the ALR, subdivide land in the ALR and use land in the ALR for non-farm purposes. The Commission decides applications with the objective of ensuring that lands suitable for agriculture are retained in the ALR and that non-farm development of ALR land is restricted.

Discussion

Assessment of Agricultural Capability

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The improved agricultural capability ratings for the property are identified as mainly Class 3AT.

Class

3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Subclasses

A soil moisture deficiency
T topography

Assessment of Agricultural Suitability

The Commission also assessed whether factors, such as existing non-farm development, have caused the land to become unsuitable for agriculture. In its most recent decision on the property, the Commission suggested that the applicants consider amending the boundaries of District Lot 3090 to separate uses and create a benefit for agriculture. The Commission discussed that the proposed three large lots (27 ha, 23 ha and 34 ha) would achieve the separation of uses noted in its previous decision. It also noted that the boundary line adjustment between the two subject properties would provide a benefit to agriculture in that a larger agricultural parcel would be created.

Assessment of Impact on Agriculture

The Commission then assessed the impact of the proposal against the long-term goal of preserving agricultural land. It believed that the creation of three large lots from the existing two lots would have little impact on agriculture as the new lots would follow current non-farm uses and roadways. In addition, a positive impact on agriculture would be provided as a larger agricultural parcel would be created.

However, it believed that the creation of a 1 ha lot in this area would negatively impact existing or potential agricultural use of surrounding lands in that it would introduce a residential lot into a mainly large-lot farming area.

When discussing the future of the lot created to isolate existing industrial uses, the Commission noted that it would be receptive to the expansion of industry within that lot but that any new business could not negatively impact the surrounding agriculture.

Assessment of Other Factors

As a condition of the Commission's decision (Resolution # 235/2004) to allow intensified industrial uses on the property, the applicants were required to irrigate and intensively develop an 8 ha area. The Commission discussed that although an effort had been made to find water for irrigation, this condition had not been met. The Commission suggest the applicants continue to pursue this requirement.

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 proposed three large lots would positively impact agriculture and the one 1 ha lot would negatively impact agriculture.
4. That the proposed three large lots are consistent with the objective of the *Agricultural Land Commission Act* to encourage farming on agricultural land while the one small lot is inconsistent with the objective to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Sidhu
SECONDED BY: Commissioner McCoubrey

THAT the application be refused as proposed

AND THAT the creation of the three large lots be approved subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application

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This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED
RESOLUTION #13/2006

Constituent

Map #

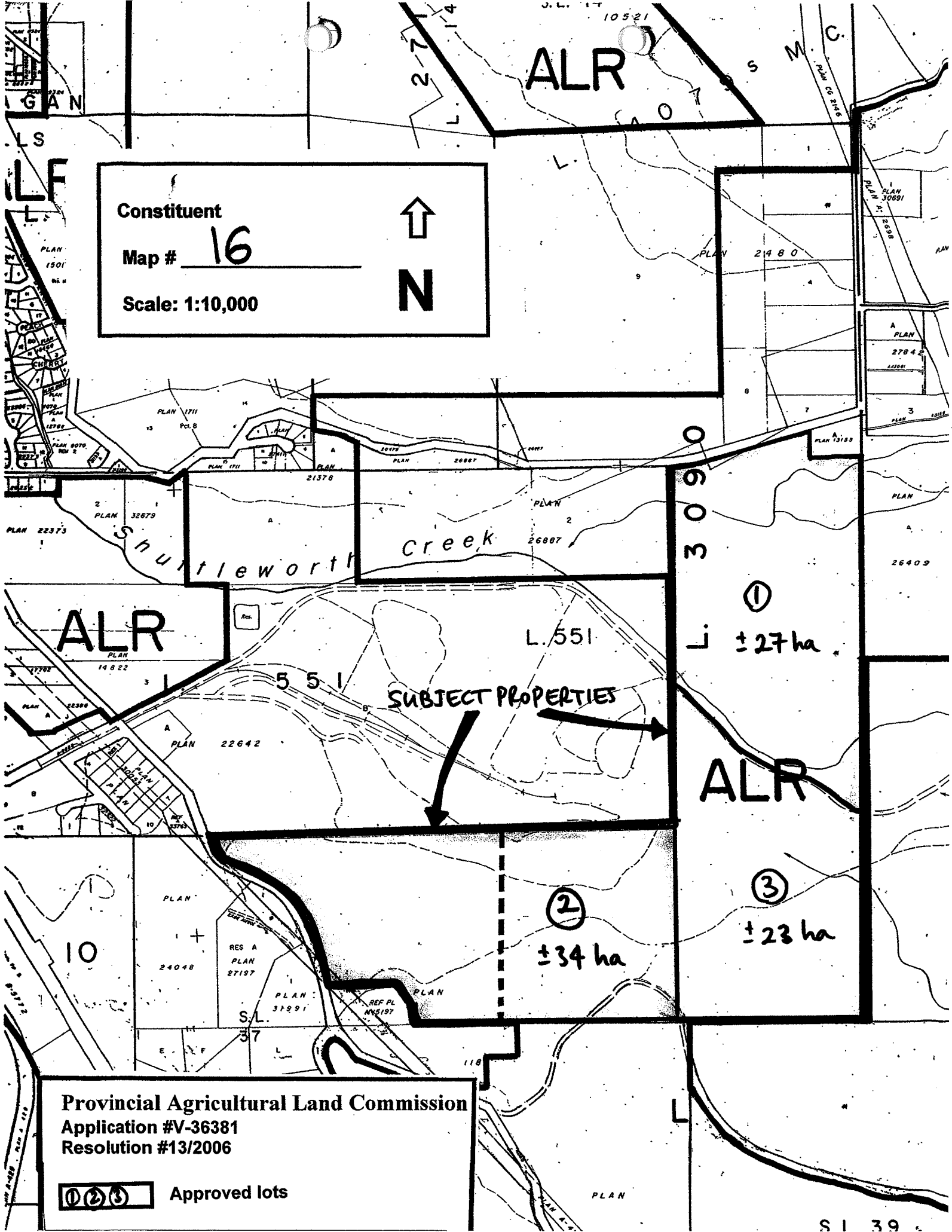
16

Scale: 1:10,000



N

ALR



3090

①

±27 ha

L 551

SUBJECT PROPERTIES

ALR

②

±34 ha

③

±23 ha

Provincial Agricultural Land Commission
Application #V-36381
Resolution #13/2006

①②③

Approved lots



Staff Report
Application # V – 36381
Applicant: Thomas Ranches Ltd
Location: Okanagan Falls

DATE RECEIVED: November 23, 2005

DATE PREPARED: January 4, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To subdivide two adjoining lots of 70 ha and 16 ha into four lots as divided by existing roads and non-farm activities. The sizes of the proposed lots are 27 ha, 23 ha, 34 ha, and 1 ha.

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

BACKGROUND INFORMATION:

In its June 8, 2004 decision letter regarding application #V-34720-1, the Commission noted the possibility of amending the boundary of DL 3090 to separate agricultural uses from industrial uses and to achieve some benefit for agriculture through consolidation of the westerly portion of DL 3090 with the adjoining property to the west.

The applicant proposes to divide Lot 3090 along the Weyerhauser 201 logging road and Shuttleworth Creek to create one lot north of the road and one lot south of the road. The third lot would be created by joining the westerly portion of Lot 3090 with Sublot 37 and the fourth lot would be a 1 ha lot as divided by Oliver Ranch Road.

Local Government:

Regional District of Okanagan-Similkameen

Legal Description of Properties:

1. PID: 007-492-065
District Lot 3090, Similkameen Division Yale District, EXCEPT Plans A11286, B4251, 13155, 20479
2. PID: 007-492-111
The North 80 Acres of Sublot 37, District Lot 2710, Similkameen Division Yale District, Plan 1189, EXCEPT Plan 24048

Purchase Date:

1958

BACKGROUND INFORMATION (continued):

Location of Properties:

Oliver Ranch Road, South of Okanagan Falls, adjacent to the Weyerhaeuser mill.

Size of Properties:

86 ha (Both properties lie entirely within the ALR).

Present use of the Properties:

Eight (8) ha of wood-based industrial uses (i.e. log sort and scale yard, post and rail operation, portable sawmill, wood waste processing equipment). The remainder of the property is in its natural dry land grazing state, with some very light forest cover.

Surrounding Land Uses:

WEST: Non-ALR Weyerhaeuser Millsite
SOUTH: Cultivated ALR - vineyards
EAST: Non-ALR hillsides, and some cultivated ALR land
NORTH: Non-ALR Weyerhaeuser Millsite

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E.033
The majority of the property is identified as having mixed prime and secondary ratings.

Official Community Plan and Designation:

East Skaha, Vasseux OCP Bylaw No. 1708 (1996)
Designations: "Farmland" and "Industrial"
It has a policy to "*Support the retention of large contiguous blocks of Farmland.*"

Zoning Bylaw and Designation:

Electoral Area 'D' East Skaha, Vaseux Zoning Bylaw No. 1801 (1998)
Designations: AG2 and M3
Minimum lot size AG2 – 20 ha, M3 – 2020 m²
The M3 "Heavy Industrial" zoning pertains to the 8 ha area used for miscellaneous industrial uses.

PREVIOUS APPLICATIONS:

Application #23908-0

Applicant: Thomas Ranches Ltd
Decision Date: January 18, 1990
Proposal: To use 2 ha of 72 ha for small log milling operation to process logs for log homes.
Decision: Allowed on temporary basis to be reviewed in 3 years.

Application #27082-0

Applicant: Thomas Ranches Ltd.
Decision Date: October 29, 1993
Proposal: To exclude 2 properties of 16 and 72 ha for golf course and housing on 60 ha of the 88 ha.
Decision: Refused on the grounds of agriculture potential.

PREVIOUS APPLICATIONS (continued):

Application #30495-0

Applicant: Thomas Ranches Ltd
Decision Date: April 25, 1996
Proposal: To deposit sawmill waste, soil and gravel in two ravines covering 5 ha of the property from the adjacent Weyerhaeuser sawmill. The 20-year project will create a more level terrain for agricultural use.
Decision: Allowed - subject to the terms of the Plan that the project be overseen by a Land Reclamation Specialist and other standard conditions including a \$50,000 bond.

Application #33099-0

Applicant: Thomas Ranches Ltd
Decision Date: February 22, 2000
Proposal: To dedicate an existing access road to Weyerhaeuser Mill and sell the right of way as per and agreement established August 25, 1970. The access road will become a public road.
Decision: Allowed.

Application #34720-0

Applicant: Thomas Ranches Ltd
Decision Date: May 14, 2003
Proposal: To use a 3.2 portion of the 71 ha property for an asphalt plant.
Decision: Refused - the industrial use of this portion of the property will alienate suitable agricultural land and compromise the overall agricultural potential of the property. The Commission noted that the property has historically formed part of Thomas Ranches Ltd. The size of the property, its proximity to active agricultural operations, and good agricultural capability ratings suggest the land is suitable for agricultural use. The fact that the balance of the property, after sale to Peter Bros., is to be leased back by Thomas Ranches Ltd. for grazing also supports the Commission's assertion that the property is suitable for agricultural use. In addition, the Commission had concerns about the impacts of visual and air pollution on adjoining vineyards.

Application #34720-1

Applicant: Thomas Ranches Ltd
Decision Date: June 2, 2004
Proposal: To use an 8 ha portion (zoned M3) of the 71 ha property for a log home building site, post and rail operation, and portable sawmill with up to three log home builders, firewood processing, and equipment necessary to process log waste (chipper and debarker).
Decision: Allowed - subject to the irrigation and agricultural development of 8 ha of another portion of the property.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

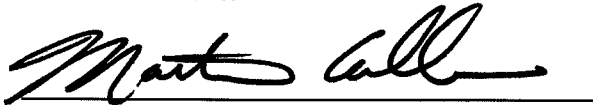
The Regional District of Okanagan Similkameen: Forwarded the application without comment, as per policy.


STAFF COMMENTS:

Staff suggests the Commission consider the following:

- In its most recent decision on the property, the Commission suggested that the applicant consider amending the boundaries of the properties to separate uses and create a benefit for agriculture.
- As a condition of the Commission's decision (Resolution # 235/2004) to allow intensified industrial uses on the property, the applicant was required to irrigate and intensively develop an 8 ha area. There is no evidence that this irrigation development has been undertaken.
- The three larger lots seem to achieve the separation of uses desired by the Commission. The fourth, "residential" lot appears to be separated from the remainder by a road and a topographic break. It may not be suitable for agricultural use. However, it could also be construed as a residential intrusion into this industrial/agricultural area.
- Detail had not been provided as to what agricultural uses are contemplated on the reconfigured lots.

END OF REPORT


Signature


Date