



**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

February 8, 2006

Reply to the attention of Brandy Ridout  
ALC File #G-36392

Michael & Kelly Hill  
2880 Balldock Road  
Kelowna, BC V1W 4C3

Dear Sir/Madam:

Re: Application to subdivide in the Agriculture Land Reserve

Please find attached the Minutes of Resolution #27/2006 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: City of Kelowna - A05-0006

BR/lv/Encl.: Minutes  
36392d1

## 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 - 23<sup>rd</sup> Street, Vernon, BC.

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

### For Consideration

Application # G-36392  
Applicants Michael & Kelly Hill  
Proposal To subdivide the 5.24 ha subject property into two lots of roughly equal size. The applicant intends to retain one half, sell the other half to his sister and brother-in-law, and continue to farm both halves.  
Legal PID: 011-398-485  
Location Lot 5, District Lot 360, Osoyoos Division Yale District, Plan 1734  
4407 Wallace Hill Road, Kelowna

### Site Inspection

A site inspection was conducted on January 18, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey, and Sid Sidhu
- Staff: Brandy Ridout and Martin Collins
- Applicants: Michael & Kelly Hill

Mr. Hill confirmed that he received the staff report dated January 3, 2006 and did not identify any errors.

It was noted that the subdivision request had been modified to reflect the City of Kelowna's support for a 0.4 ha lot around the existing original farmhouse.

### 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 40% Class 2A, 25% Class 3AP, 20% Class 3A, and 15% Class 4WF.

#### **Class**

- 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.
- 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.
- 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

#### **Subclass**

- A soil moisture deficiency
- P stoniness
- F low fertility characteristics
- W excess water

### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long-term goal of preserving agricultural land. In this analysis, the Commission considered the impact the proposal would have on agriculture both on the subject property and on the surrounding area.

With regard to the impact on agriculture on the subject property, the Commission considered the reason for the subdivision request, namely that the applicant wishes his sister to have a separately titled lot. Although two houses currently exist on the property, the Commission noted that the proposal would affect agriculture in that a larger area would be removed from agricultural production with the creation of a 0.4 ha residential lot. In addition, it is the Commission's experience that smaller parcels are correlated with more limited agricultural activity. The Commission believed that the proposal would have a negative impact on the agricultural potential of the property in the long-term as subdivision would limit agricultural options.

With regard to the impact on agriculture on the surrounding area, the Commission noted that subdivision could heighten the expectations of other landowners seeking similar consideration.

The Commission believes the proposal would have a negative impact on existing or potential agricultural use of the subject property and surrounding lands.

**Conclusions**

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the proposal will have a negative impact on 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 Irvine

**SECONDED BY:** Commissioner McCoubrey

THAT the application be refused

**CARRIED**

**RESOLUTION #27/2006**



**Staff Report**  
**Application # G – 36392**  
**Applicant: Michael & Kelly Hill**  
**Location: East Kelowna**

**DATE RECEIVED:** December 1, 2005

**DATE PREPARED:** January 3, 2006

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

**FROM:** Brandy Ridout, Regional Research Officer

**PROPOSAL:** To subdivide the 5.24 ha subject property into two lots of roughly equal size. The applicant intends to retain one half, sell the other half to his sister and brother-in-law, and continue to farm both halves.

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

**BACKGROUND INFORMATION:**

The applicant submitted information showing the property to have been purchased by a Walter Hill in 1959, and recently transferred to Michael Hill. It is presumed that the previous owner is the applicant's father.

The City of Kelowna has suggested an alternate proposal that includes the subdivision of a small 0.4 ha lot in the northwest corner of the property. This may be a recognition that Walter Hill might have qualified for consideration under *Homesite Severance Policy*, but either was unable to apply, or chose not to do so.

**Local Government:**

City of Kelowna

**Legal Description of Property:**

PID: 011-398-485  
Lot 5, District Lot 360, Osoyoos Division Yale District, Plan 1734

**Purchase Date:**

July 9, 2004

**Location of Property:**

4407 Wallace Hill Road, Kelowna

**Size of Property:**

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

**BACKGROUND INFORMATION (continued):**

**Present use of the Property:**

A single family home and a hayfield

**Surrounding Land Uses:**

**EAST:** 2 ha parcel within the ALR  
**WEST:** 8 ha farm parcel within the ALR  
**SOUTH:** 8 ha orchard parcel within the ALR  
**NORTH:** 10 ha farm parcel (in hay) in the ALR

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82E.083  
The majority of the property is identified as having Secondary ratings.

**Official Community Plan (OCP) and Designation:**

City of Kelowna OCP  
Designation: Rural/Agricultural

**Zoning Bylaw and Designation:**

City of Kelowna Zoning Bylaw No. 8000  
Designation: A1 Agricultural, minimum lot size: 2 ha

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**The City of Kelowna:** Did not support the application as proposed, but did support an alternate two lot subdivision consisting of 0.4 ha encompassing the existing home and a 4.8 ha farm remnant.

**Planning & Corporate Services Department:** Recommended non-support because the application is not consistent with relevant City development policies that do not support the creation of additional lots in the ALR except as a homesite severance.

**Agricultural Advisory Committee:** Recommended non-support as they could see no benefit to agriculture.

**STAFF COMMENTS:**

Staff suggests that the Commission consider the following:

- Subdivision into two 2.5 ha lots limits agricultural options and reduces potential farm income.
- Introducing a small 0.4 ha lot into this area (as supported by Council) can result in a loss of productive capacity as a new home and yard are built on the remnant and can increase potential conflict between farming and residents.
- The Commission may want to explore what, if any, farming/business arrangement existed between the son and the father over the past decades.

END OF REPORT

Signature

Date



Jan 5/08