



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

March 15, 2006

Reply to the attention of Brandy Ridout
ALC File #T-36453

Dennis & Lynn Richardson
146 Rawlings Lake Road
Lumby, BC V0E 2G1

Dear Mr. and Mrs. Richardson:

Re: Application to subdivide in the Agriculture Land Reserve

Please find attached the Minutes of Resolution #69/2006 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 North Okanagan - 05-0815-D-ALR

BR/lv/Encl.: Minutes
Sketch Plan

36453d1

ALL DISTANCES ARE IN METRES.



REM E 1/2
SW 1/4 SEC 4

LOT 1
PLAN
KAP72964

REM SE 1/4
SEC 4 TP 40

*Proposed
Changed Shape
of Subdivision*

ALR

NON
-ALR

ALR BOUNDARY

REM N 1/2 OF

N 1/2

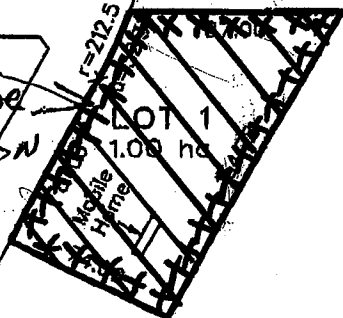
SEC 33

TP 41

ALR

NON-ALR

RAWLINGS LAKE ROAD
25m





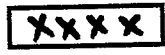
LOT 1
PLAN 35119

79430A02

PLAN OF PROPOSED SUBDIVISION OF
PART OF THE N 1/2 OF THE N 1/2 OF
SEC. 33, TP. 41, O.D.Y.D. EXCEPT
PLANS 28831 AND 37984

SCALE: 1 : 3000	OUR FILE: R7943
DATE: 1 Mar. 06	DRAWN: RB
Richardson	

Provincial Agricultural Land Commission
 Application #T-36453
 Resolution #69/2006

-  1 ha area approved for subdivision in the ALR
-  Approximately 2.4 ha area to be included in the ALR
-  Location of fencing

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 2, 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 # T – 36453
Applicant(s) Dennis & Lynn Richardson
Proposal To subdivide a 1 ha lot from the 55 ha subject property for the applicants' daughter. Approximately 15 ha of the subject property are in the ALR. The proposed 1 ha lot lies wholly within the ALR.
Legal PID: 013-585-479
The North ½ of the North ½, Section 33, Township 41, Osoyoos Division Yale District, Except Plan 28831 and 37984
Location 146 Rawlings Lake Road, northeast of Lumby

Site Inspection

A site inspection was conducted on March 1, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey, and Sid Sidhu
- Staff: Brandy Ridout
- Applicants: Dennis and Lynn Richardson
- Applicants' family: Julie Richardson and Shane Edwards

Mr. Richardson confirmed that he had received the staff report dated February 14, 2006 and did not identify any errors.

During the site inspection the location of the proposed lot and the possible inclusion of non-ALR cultivated areas were discussed. The applicants indicated that they would like to modify their proposal and would submit additional information for the Commission to consider before making a decision on the application.

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

As discussed during the site visit, the Commission received a revised proposal from the applicants that modified the layout of the proposed lot and incorporated the inclusion of approximately 2.5 ha into the ALR. The Commission considered the revised proposal when making its decision on the application.

The Commission viewed the inclusion of 2.5 ha into the ALR as a benefit to agriculture. It also believed that the modified layout of the proposed 1 ha lot would have less of an impact on agriculture. As such, it would allow the subdivision of the modified lot subject to the placement of a restrictive covenant limiting the number of dwellings on the remainder and inclusion of the approximately 2.5 ha into the ALR.

IT WAS

MOVED BY: Commissioner Irvine

SECONDED BY: Commissioner Sidhu

THAT the application be approved

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted after the site visit,
- the inclusion of approximately 2.5 ha into the ALR, and
- the construction of a fence around the new 1 ha lot for the purpose of limiting its impact on the remaining farm unit. Fencing plans should be submitted to the Commission for approval.

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 #69/2006



Staff Report
Application # T – 36453
Applicant: Dennis & Lynn Richardson
Agent: William Maddox
Location: Northeast of Lumby

DATE RECEIVED: January 18, 2006

DATE PREPARED: February 14, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To subdivide a 1 ha lot from the 55 ha subject property for the applicants' daughter. Approximately 15 ha of the subject property are in the ALR. The proposed 1 ha lot lies wholly within the ALR.

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

BACKGROUND INFORMATION:

The Commission has refused the subdivision of the property as divided by Rawlings Lake Road under two separate applications. About 16 ha of the property west of Rawlings Lake Road was excluded from the ALR as a result of a fine-tuning review undertaken by the Regional District in 2000.

The applicants indicate that the land has poor agricultural capability and that subdivision will have no impact on the present farm operation. Correspondence from the applicants regarding their exclusion request in June 2000 stated that the soil is very rocky and that frost and drought are both limiting factors to agriculture.

It is also noted that Mr. Richardson's father purchased the property in July 1972 and the property was subsequently transferred to Mr. Richardson in 1991. This information is provided as the applicants were informed that the application is in substantial compliance with the Regional Board Homesite Severance policies as the land has stayed within the family since 1972.

Local Government:

Regional District of North Okanagan

Legal Description of Property:

PID: 013-585-479

The North ½ of the North ½, Section 33, Township 41, Osoyoos Division Yale District, Except Plan 28831 and 37984

BACKGROUND INFORMATION (continued):

Purchase Date:

1991

Location of Property:

146 Rawlings Lake Road, northeast of Lumby

Size of Property:

55 ha (approximately 15 ha are in the ALR)

Present use of the Property:

West of Rawlings Lake Road there is a residence, barn and a shop, hayfield, pasture and bush. East of Rawlings Lake Road there is a mobile home (since 1974), hayfield, pasture, bush areas and mountainside. Most of the property in the ALR is cleared hayfield while the proposed lot and the land to the north is treed.

Surrounding Land Uses:

NORTH: Farmland in the ALR adjacent to Rawlings Lake
SOUTH: Part ALR, part non-ALR, ALR portion is cleared field areas
EAST: Forested non-ALR hillside
WEST: Non-ALR rural residential subdivision comprised of 2 - 4 ha lots

Agricultural Capability:

Data Source: Agricultural Capability Map # 82 L/7
The majority of the property is identified as having secondary ratings.

Official Community Plan and Designation:

Electoral Areas 'D' and 'E' OCP Bylaw No. 1690(2001)
Designation: Agricultural/Non-Urban/Major Road

Zoning Bylaw and Designation:

Zoning Bylaw No. 1888 (2003)
Designation: Non-Urban Zone (NU)
Minimum lot size: 7.2 ha

PREVIOUS APPLICATIONS:

Application #03630-0

Applicant: J & R Richardson
Decision Date: February 22, 1977
Proposal: To subdivide a 16 ha lot from the westerly edge of the 64 ha property.
Decision: Refused as requested, but allowed the subdivision of an 8 ha lot from the most westerly edge of the property (as less than half of the proposed new lot lay within the ALR).

PREVIOUS APPLICATIONS (continued):

Application #10653-0

Applicant: James & Roberta Richardson
Decision Date: June 25, 1980
Proposal: To subdivide the 54 ha parcel into two lots (20 ha and 34 ha) as divided by Rawlings Lake Road.
Decision: Refused – on the grounds of reduced agricultural options.

Application #23845-0

Applicant: James Richardson
Decision Date: November 14, 1989
Proposal: To subdivide the 54 ha property into two parcels as divided by Rawlings Lake Rd.
Decision: Refused - on the grounds of reduced agricultural options.

Application #33425-0

Applicant: Regional District of North Okanagan
Decision Date: October 24, 2000
Proposal: To exclude approximately 4,064 ha from the ALR in the North Okanagan Regional District in Electoral Areas 'D' and 'E'.
Decision: Refused as submitted - allowed the exclusion of approximately 3,660 ha on the grounds of minimal agricultural capability due to soil, topographic factors or existing non-farm uses. 404 ha were retained in the ALR because of their agricultural capability. **About 15 ha of the subject property were excluded in this exercise.**

RELEVANT APPLICATIONS:

Application #33537-0

Applicant: James Berryhill
Decision Date: March 7, 2001
Proposal: To subdivide a 3 ha lot as divided by Rawlings Lake Road.
Decision: Allowed subject to the inclusion of the non-ALR cultivated areas.

Application #33537-1

Applicant: James Berryhill
Decision Date: June 29, 2001
Proposal: The Area Director of Electoral Area "D" requested a reconsideration of the Commission's decision, indicating that the land proposed for inclusion was similar in capability to lands excluded in a block exclusion proposal.
Decision: The Commission amended its decision and removed the condition of its approval on the grounds that it had permitted subdivision of similar-sized lots on the property to the west and the 3 ha lot was separated from the remainder by a road and a substantial topographic break.

Application #35977-0

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 property may not be ideal for soil-based agriculture, it was a mix of class 2-5 soils and potentially suitable for grazing and pasture. Also the Commission was concerned about setting a precedent (i.e. that it would permit subdivision for financing reasons).

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The **Regional District of North Okanagan** forwarded the application without a formal recommendation. However, it was noted that the application is in substantial compliance with the OCP policies and Regional Board Homesite Severance Policies.

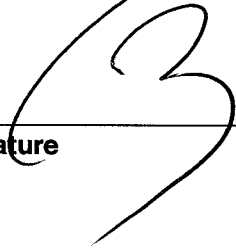
STAFF COMMENTS:

Staff suggests that the Commission consider the following:

- This area is characterized by secondary soils of varying quality. In this area agricultural activity generally requires large parcels.
- The Commission has refused the subdivision of this parcel in the past on the grounds that subdivision would lead to reduced agricultural options.
- The proposed subdivision would create an awkwardly shaped remnant, potentially resulting in further subdivision requests in the future.
- The proposed 1 ha lot occupies land that has never been cleared and has been used for residential purposes since 1974.
- The applicants do not qualify for consideration under the Commission's *Homesite Severance Policy* as it was the father of one of the applicants who owned the property before December 21, 1972.

END OF REPORT

Signature



Date

Feb 21/06