



Agricultural Land Commission
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June 13, 2006

Reply to the attention of Brandy Ridout
ALC File #V-36514

Brad Elenko
Urban Connections
#12 Dogwood Place
Osoyoos, BC V0H 1V1

Dear Mr. Elenko:

Re: Application to exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution #250/2006 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

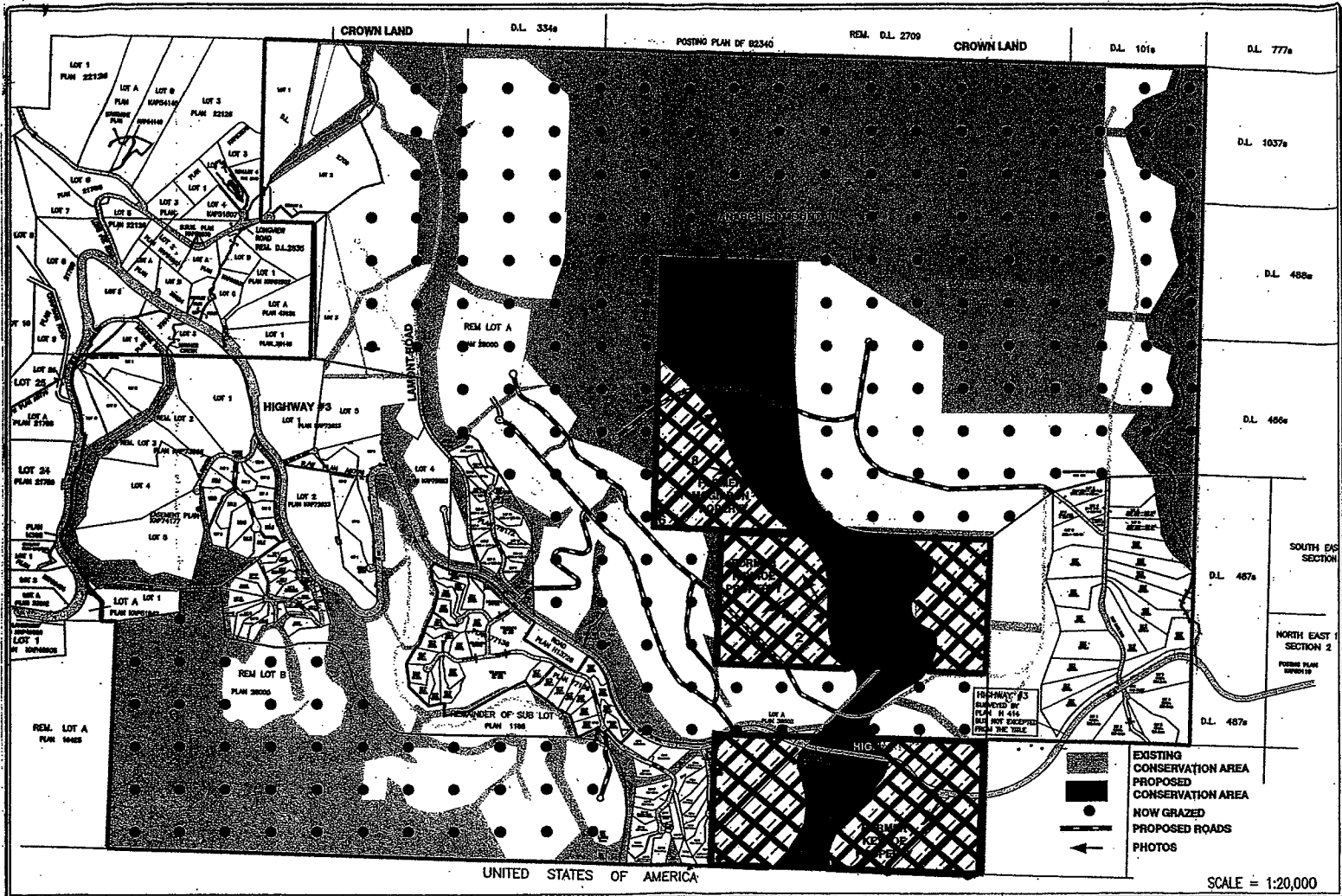
Per:

Erik Karlsen, Chair


cc: Regional District of Okanagan-Similkameen (#A-06-07946-000)

BR/lv/Encl.: Minutes
Sketch Plan

36514d1



Provincial Agricultural Land Commission
Application #V-36514
Resolution #250/2006


 Approximately 200 ha area approved for exclusion from the ALR, subject to retention of conservation areas (existing and proposed) in the ALR

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 25, 2006 in Kelowna, BC.

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

ABSENT: Sid Sidhu Commissioner

For Consideration

Application # V – 36514
Applicant(s) 590335 BC Ltd
Proposal To exclude 387 ha from the ALR for rural residential development.
Legal

1. PID: 004-748-832
The South West ¼ of Section 3, Township 65, SDYD
2. PID: 008-978-247
The North ½ of the NorthEast ¼, Section 4, Township 65, SDYD
3. PID: 008-978-204
The North ½ of the NorthWest ¼, Section 3, Township 65, SDYD
4. PID: 008-978-263
The South ½ of the SouthEast ¼, Section 9, Township 65, SDYD
5. PID: 008-978-298
The South ½ of the SouthWest ¼, Section 10, Township 65, SDYD
6. PID: 004-748-841
The SouthEast ¼, Section 4, Township 65, SDYD, Except Plan 39502
7. PID: 015-149-200
The SouthWest ¼ of the SouthEast ¼, Section 16, Township 65, SDYD
8. PID: 015-148-777
The East ½ of the NorthWest ¼, Section 9, Township 65, SDYD
9. PID: 015-149-234
The SouthEast ¼ of the SouthWest ¼, Section 16, Township 65, SDYD
10. PID: 015-148-751
The West ½ of the NorthEast ¼, Section 9, Township 65, SDYD
11. PID: 015-148-637
The NorthEast ¼ of the SouthWest ¼, Section 9, Township 65, SDYD
12. PID: 015-148-696
The NorthWest ¼ of the SouthEast ¼, Section 9, Township 65, SDYD

Location Anarchist Mountain, east of Osoyoos, straddling Highway #3.

For Consideration

Brandy Ridout presented the staff report dated March 31, 2006 regarding the application. Mr. Erikson confirmed that he received the staff report and did not identify any errors

Site Inspection

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

- Commissioners Irvine & McCoubrey
- Commission Staff: Brandy Ridout and Martin Collins
- Adrian Erikson - proponent
- Brad Elenko - agent

The Commission toured the property and discussed the exclusion proposal at different points on the site. Although it was apparent that some pasture improvement had been undertaken in the past near the ranch homesite, the proponent emphasized that the land could at best be used for seasonal grazing. However, it was pointed out that the land was too stony for cultivation. Rock picking piles were observed.

The Commission also reviewed a development plan showing the areas proposed for development and the areas to be retained as "conservation" areas. It was noted that about half of the total area was to be retained for conservation purposes (which included cattle grazing).

Commission Discussion

The Commission recalled its previous decision to allow the exclusion of 1100 ha of the adjoining Sublot 2. The topography in Sublot 2 appeared to be more varied than that of the subject properties and had little or no grazing enhancement. In contrast, portions of the subject lands were improved for pasture, generally flatter and appeared more agriculturally capable.

The development plans showed that about half of the subject lands would be retained for conservation uses (as were about half of the lands in Sublot 2). The Commission was advised by a local rancher (Pat Hedlund, in a letter dated March 28, 2006) that lands retained for conservation uses on Sublot 2 had been improved for grazing by the applicant through digging water retention ponds.

The Commission considered the potential impacts of exclusion of the subject properties from the ALR including impacts on grazing and the adjoining ranching community in the Kootenay Boundary Regional District. It was very concerned that exclusion of all of these lands might result in the eventual subdivision of even the conservation lands and the cessation of grazing on Anarchist Mountain. The Commission's fear was that the loss of grazing would increase pressures on other nearby ranches in Kootenay Boundary Regional District to cease operating and apply for exclusion and rural residential development.

As such the Commission refused the exclusion as proposed.

However, given the proponent's commitment to improve and use the existing and proposed "conservation" areas for seasonal grazing, the Commission was prepared to consider a revised proposal that retained the majority of the subject lands within the ALR for grazing/conservation purposes, but allowed the applicant to efficiently complete his proposed development. The Commission also believed that any decision to allow the partial exclusion of the subject properties would be subject to the partial rescission of Resolution # 563/2002 to the extent of retaining the existing grazing/conservation areas within the ALR.

The Commission believed that this decision balanced the applicant's desire to efficiently complete the overall development, while retaining land proposed for conservation within the ALR so that it could be used for intermittent cattle grazing in the long term. The decision also effectively ensures that rural residential uses are not so intensively developed to eliminate seasonal grazing from Anarchist Mountain.

IT WAS

MOVED BY: Commissioner Irvine

SECONDED BY: Commissioner McCoubrey

THAT the application to exclude 387 ha be refused on the grounds the land has agricultural capability for grazing

AND THAT the Commission advises that it is prepared to consider a revised exclusion proposal that allows the efficient completion of the existing development subject to the partial rescission of Resolution #563/2002, retaining conservation/grazing designated areas within the ALR (that presently lie within the ALR).

CARRIED

RESOLUTION #250/2006



Staff Report
Application # V – 36514
Applicant: 590335 BC Ltd
Agent: Urban Connections

Location: Anarchist Mountain, east of Osoyoos

DATE PREPARED: March 31, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To exclude 387 ha from the ALR for rural residential development.

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The Commission allowed the exclusion of 1100 ha of adjoining agricultural lands in 2002, on the grounds of poor agricultural capability. The land is being developed in clustered rural residential acreage lots, with other areas reserved for wildlife and environmental uses.

The application has generated significant public interest. A number of letters both for and against the application have been received.

Fourteen (14) letters have been received in support of the application. The correspondents include area ranchers, (and even a valley orchardist) and the former Area Director, Eike Scheffler. The main reasons provided in support of exclusion are:

- The land has very limited capability for agricultural uses, because of high elevation, unfavourable climate, and poor soils.
- The previous ranchers could not make a living on this land because of the above soil and climate limitations.

One letter from a local rancher (Pat Hedlund), dated March 28, 2006, suggests that the developer has actually improved the forage capacity of the Anarchist Range (even though the available range has decreased), by focusing housing development on the southwest (more arid) slopes, and creating ponds, reseeding grasses and spraying for weeds on the areas to remain in conservation uses.

Sixteen (16) letters have been received which are opposed to the application. The correspondents indicate the following:

- The subject lands have been used for ranching in the past.
- Other ranches in the area have similar or more severe limitations.

- The OCP does not designate this area for growth
- There is ample non ALR land to be used for rural residential purposes for the next several decades.

Local Government:

Regional District of Okanagan-Similkameen

Legal Description of Property:

1. PID: 004-748-832
The South West 1/4 of, Section 3, Township 65, SDYD;
2. PID: 008-978-247
The North 1/2 of the NorthEast 1/4 of, Section 4, Township 65, SDYD
3. PID: 008-978-204
The North 1/2 of the NorthWest 1/4 of, Section 3, Township 65, SDYD
4. PID: 008-978-263
The South 1/2 of the SouthEast 1/4 of, Section 9, Township 65, SDYD
5. PID: 008-978-298
The South 1/2 of the SouthWest 1/4 of, Section 10, Township 65, SDYD
6. PID: 004-748-841
The SouthEast 1/4 of, Section 4, Township 65, SDYD, EXCEPT Plan 39502;
7. PID: 015-149-200
The SouthWest 1/4 of the SouthEast 1/4 of, Section 16, Township 65, SDYD
8. PID: 015-148-777
The East 1/2 of the NorthWest 1/4 of, Section 9, Township 65, SDYD
9. PID: 015-149-234
The SouthEast 1/4 of the SouthWest 1/4 of, Section 16, Township 65, SDYD
10. PID: 015-148-751
The West 1/2 of the NorthEast 1/4 of, Section 9, Township 65, SDYD
11. PID: 015-148-637
The NorthEast 1/4 of the SouthWest 1/4 of, Section 9, Township 65, SDYD
12. PID: 015-148-696
The NorthWest 1/4 of the SouthEast 1/4 of, Section 9, Township 65, SDYD

Location of Property:

Anarchist Mountain, east of Osoyoos, straddling Highway #3.

Size of Property:

387 ha (The entire area is in the ALR).

Present use of the Property:

Grazing and hayland, sparsely forested areas, ranch homesite and barns.

Surrounding Land Uses:

- WEST:** Vacant forested non ALR land (recently excluded from the ALR)
SOUTH: U.S. border
EAST: Vacant, forested non ALR land (recently excluded from the ALR)
NORTH: Forested cattle grazing lands, also owned by the applicant.

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E/3
The majority of the property is identified as having mixed prime and secondary ratings.

Official Community Plan and Designation:

Osoyoos Rural OCP, Bylaw 2260, 2004 designates the properties as Resource Area

Zoning Bylaw and Designation:

Resource Area, which permits a minimum lot size of 20 ha.

PREVIOUS APPLICATIONS:

Application #19868-0

Applicant: Kehoe, James
Decision Date: April 24, 1987
Proposal: To subdivide a 0.68 ha lot containing the farm home from the 62 ha property, as severed by Highway #3
Decision: Allow as requested

RELEVANT APPLICATIONS:

Application #34459-0

Applicant: 590335 BC Ltd
Decision Date: October 24, 2002
Proposal: To exclude 1280 ha of land from the ALR.
Decision: The Commission allowed the exclusion of 1102 ha out of 1280 ha requested subject to the inclusion of approximately 227 ha into the ALR. Subsequently the Commission did not ~~exclude~~ the 227 ha on the grounds the land had very limited agricultural capability. *include*

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The Regional District forwarded the application without comment (as per policy). However the Regional Director, Mark Pendergraft has indicated in a letter dated March 15, 2006 that he does not support the application because it is not supported by the OCP, and because there is sufficient inventory of land to accommodate growth pressures for several decades.

STAFF COMMENTS:

Staff recommends that the Commission consider the following:

- The CLI soils capability map indicates that between 10% and 20% of the land may have prime capability (with limitations of topography and stoniness)
- The land has been used for ranching in the past
- The surrounding lands of similar capability were excluded by the Commission in 2002.

- It is possible that excluding this land will place further exclusion pressures on ranchlands to the east in the Regional District of Kootenay Boundary.

END OF REPORT

Mark Allen
Signature

April 3/06
Date