



Agricultural Land Commission
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May 3, 2006

Reply to the attention of Brandy Ridout
File #T-36548

Peter and Peggy Warnes
483 Albers Rd.
Lumby, B.C. V0E 2G5

Dear Sir/Madam:

Re: **Application for subdivision in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution #182/2006 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the 'per:' label.

Erik Karlsen, Chair

cc: Regional District of North Okanagan - 05-0855-D-ALR

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Page 2 - #36548

IT WAS

MOVED BY: Commissioner S. Irvine

SECONDED BY: Commissioner S. McCoubrey

THAT the staff report be received

AND THAT the application be refused as proposed on the grounds of reduced agricultural capability.

CARRIED

RESOLUTION #182/2006



Staff Report
Application # T – 36548-0
Applicant: Peter & Peggy Warnes

DATE RECEIVED: March 16, 2006

DATE PREPARED: March 28, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Simone Rivers, Regional Research Officer

PROPOSAL: To subdivide 8 ha from the 79.7 ha property.

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

BACKGROUND INFORMATION:

The applicants are requesting subdivision of the property for the following reasons:

- To pay outstanding debts
- To save the remainder of the property, which is a tree farm and the adjoining woodlot.

The local government provided the following background information about the property: the subject property was created in 1995 by a subdivision consolidating a 1/4 section of land with the adjoining portion of land lying north of Albers Road. That subdivision was approved without application to the Agricultural Land Commission as it was considered to allow for a more efficient use of agricultural land.

Approximately 4 ha of the proposed 8 ha parcel is hayfield and pasture, while the balance of it is cleared. The proposed lot boundaries generally follow the cleared and cultivated area currently used for agriculture. The remainder of the property is treed, steeper sloping to the north and in use as tree lot. This proposed subdivision would separate that land that is currently being used for agriculture from the portion that is used as a tree lot. This property and another property owned by the applicants are operated together under a woodlot licence. The second property is located to the north east of the subject property but not adjacent to it.

Local Government:

Regional District of North Okanagan

Legal Description of Property:

PID: 018-991-831

Lot 1, Section 15, Township 40, Osoyoos Division Yale District, Plan KAP53341

Location of Property:

483 Albers Road, Lumby

Size of Property:

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

Present use of the Property:

Hay fields and tree farm, house, small barn, garden and tool sheds

Surrounding Land Uses:

- WEST:** Farm (ALR)
- SOUTH:** 8 ha lots (ALR)
- EAST:** Farm (ALR)
- NORTH:** Vacant farm (ALR)

Agricultural Capability:

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

Official Community Plan and Designation:

Electoral Areas "D" and "E" Official Community Plan Bylaw No. 1690, (2001) designates the property as Future Agricultural

Zoning Bylaw and Designation:

Zoning Bylaw No. 1888, (2003) designates the property as Non-Urban Zone (N.U.)
Minimum Parcel Size 7.2 ha.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District of North Okanagan Board: The Board passed a resolution authorizing submission of the application to the Commission.

Electoral Area Services Commission:

The EAS Commission recommended that the application be authorized for submission to the Commission.

Advisory Planning Commission:

Upon reviewing the application the APC noted the following:

- abounding areas have already been subdivided (already developed)
- meets zoning
- never used for agricultural purposes
- waiver would be required for part that is cut off
- not prime farmland

The APC passed the following resolution: That the application be authorized for submission to the Commission.

Development Services Department: Recommends that this property be maintained in one parcel. The 1995 subdivision approval that created this parcel was deemed to be a benefit to the agricultural use of the parcel. Similarly, the current proposed subdivision of a portion of the parcel should be considered as having a negative impact on the agricultural land.

STAFF COMMENTS:

Agricultural Capability:

The property is given ratings of Class 4 and Class 5. Limitations include topography, stoniness and soil moisture deficiency.

Class 4 - Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

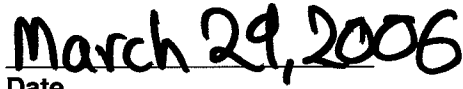
Class 5 - Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

Agricultural Suitability: Only a small portion of the parcel is currently improved for agricultural use.

Staff recommend a site visit to evaluate the agricultural capability of the subject property as well as the character of surrounding land uses.

END OF REPORT


Signature


Date