



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

July 6, 2006

Reply to the attention of Brandy Ridout
ALC File #V-36616

Lois Brooks
PO Box 911 - 135 Black Mine Road
Princeton, BC VOX 1W0

Dear Ms. Brooks:

Re: Application to exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution #309/2006 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 a white background.

Erik Karlsen, Chair

cc: Regional District of Okanagan-Similkameen - H06-00666-500

BR/lv/Encl.: Minutes
36616d1

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on June 28, 2006 in Kelowna, BC.

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

For Consideration

Application # V – 36616
Applicant(s) Lois Brooks
Proposal To exclude the 26 ha subject property from the ALR in order to subdivide into 3 approximately equal-sized lots.
Legal PID: 018-336-078
That part of District Lot 232, Yale Division Yale District, which lies South of the South Boundary of Plan H17683
Location 135 Black Mine Road, 1 km southwest of Princeton

Site Inspection

A site inspection was conducted on June 27, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey and Sid Sidhu
- Staff: Brandy Ridout
- Agent: Charles Brooks

Mr. Brooks confirmed that he had received the staff report dated June 13, 2006 and did not identify any errors. Mr. Brooks provided water well records for the two wells that had been drilled on the property.

Discussion

The Commission believed that the land had agricultural capability.

The Commission also considered the possible subdivision of the property and would not be supportive of subdivision as it believed that subdivision would reduce the agricultural capability of the parcel. Typically, soils and topography such as those that exist on the subject property require larger agricultural parcels to allow the farmer a sufficient range of agricultural options.

IT WAS

MOVED BY: Commissioner McCoubrey
SECONDED BY: Commissioner Irvine

THAT the application be refused on the ground of agricultural capability

CARRIED
RESOLUTION #309/2006



Staff Report
Application # V – 36616
Applicant: Lois Brooks
Agent: Charles Brooks
Location: southwest of Princeton

DATE RECEIVED: April 13, 2006

DATE PREPARED: June 13, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To exclude the 26 ha subject property from the ALR in order to subdivide into 3 approximately equal-sized lots.

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

BACKGROUND INFORMATION:

GGEM Consultants provided an Agricultural Assessment Report for the application in which it is stated that the current lack of topsoil, forest cover, slope, and soil coarseness restrict the area's suitability for cultivation. The soils and forest cover on the property have been altered through logging activities by the previous owner in the 1980's. Addition of topsoil and seeding by the existing owner was done in the 1990's in order to improve grass cover. However, large sections of the property remain unproductive from lack of topsoil.

Water for irrigation is available only through the existing groundwater well and the soil is limited by aridity, topography and stoniness.

GGEM Consultants believes that the agricultural capability of the parcel is limited to grazing use. However, considering the parcel size, terrain limitations and previous soil disturbances restricting suitability for cultivation of forage crops to support the summer grazing use, the grazing capacity of the parcel is extremely limited. Grazing production on the property is estimated at three to four cow/calf pairs or horses for the 6 month growing season.

The Report notes that "adjacent parcels to the immediate south and west have been previously removed from the ALR." However, both parcels are in the ALR. The parcel to the west was subdivided under application #V-27339 and the ALR portion of the parcel to the south (divided by Highway 3) was removed under application #V-27120.

Local Government:

Regional District of Okanagan-Similkameen

Location of Property:

135 Black Mine Road, 1 km southwest of Princeton

BACKGROUND INFORMATION (continued):

Legal Description of Property:

PID: 018-336-078

That part of District Lot 232, Yale Division Yale District, which lies South of the South Boundary of Plan H17683

Purchase Date:

September 24, 1993

Size of Property:

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

Present use of the Property:

Residence

Surrounding Land Uses:

WEST: Residence on large undeveloped acreage

SOUTH: Residence

EAST: Gravel extraction

NORTH: Residence on large undeveloped acreage

Agricultural Capability:

Data Source: Agricultural Capability Map # 92H/7

The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

Electoral Area 'H' Rural Land Use Bylaw No. 1725 (1997)

Designation: Resource Area (RA), minimum lot size: 8 ha

PREVIOUS APPLICATIONS:

Application #22288-0

Applicant: Otto Willi Coers

Decision Date: August 12, 1988

Proposal: To subdivide the 71.6 ha property into four lots of 4.0 ha, one of 6.0 ha, one of 10.0 ha and a 39.6 ha remainder.

Decision: Refused - on the grounds that lots of less than 10 ha in size would be inappropriate and may have a detrimental effect on ranching activities in this area.

Application #22288-1 Reconsideration

Applicant: Otto Willi Coers

Decision Date: December 13, 1988

Proposal: To subdivide the property into two lots using Black Mine Road as the dividing line. This would create two lots of approximately 26 ha lot and 45.6 ha.

Decision: Refused as proposed on the grounds that in its current size the parcel was comparable to others in the area and was located in a grazing area which the Commission wished to protect.

PREVIOUS APPLICATIONS (continued):

Application #22288-2 Reconsideration

Applicant: Otto Willi Coers
Decision Date: September 11, 1991
Proposal: To subdivide the property into two lots as divided by Black Mine Road
Decision: Allowed.
This subdivision led to the creation of the subject property.

RELEVANT APPLICATIONS:

Application #27120-0

Applicant: David & Rosemary Woodruff
Decision Date: April 29, 1993
Proposal: To exclude 9.3 ha of the 49.2 ha property to develop and operate a gravel pit. The 9.3 ha are located to the east of Highway 3 and the entire 49.2 ha parcel is in the ALR.
Decision: Allowed – the use was consistent with existing uses in the surrounding area and any impact on surrounding range lands would be minimal.

Application #27339-0

Applicant: Cub Wright Simpson
Decision Date: April 29, 1993
Proposal: To subdivide an 8 ha homesite from the 61 ha parcel.
Decision: Refused - the Commission allowed the subdivision of a 20 ha as divided by Black Mine Road, leaving a 41 ha remainder south of the road.

Application #27339-1

Applicant: Cub Wright Simpson
Decision Date: February 2, 1994
Proposal: To subdivide an 8 ha homesite from the 61 ha property.
Decision: Refused, but allowed subdivision of a residential lot bounded by the roads on the grounds that the remainder of area north of the road was vital to farm unit, subject to previous decision being rescinded.

Application #27339-2

Applicant: Cub Wright Simpson
Decision Date: September 23, 1994
Proposal: To allow original decision of the Commission.
Decision: Commission reconfirmed original decision and agreed to the creation of a 20 ha lot located north of Black Mine Road and a 41 ha remainder.

Application #28369-0

Applicant: S. Saunders
Decision Date: September 16, 1993
Proposal: To exclude approximately 4.5 ha of the 98.3 ha subject property. Only the 4.5 ha under application are within the ALR. Land to be used as part of gravel pit operation allowed, in part, by Commission (application #02-V-92-27120).
Decision: Allowed - the area under application separates two triangular portions of adjacent DL 980 which was the subject of an exclusion application in 1992 and this exclusion which would result in all three portions of DL 980 and 157 being used for a gravel pit. In the Commission's letter authorizing the exclusion of those portions of DL 980 (#02-V-92-27120) it was suggested that an exclusion application be filed with the Regional District which would be dealt with expeditiously.

RELEVANT APPLICATIONS (continued):

Application #33922-0

Applicant: BC Assets and Land Corporation

Decision Date: September 25, 2001

Proposal: To exclude the western portion (approximately 16.2 ha) of a 37 ha property from the ALR and to use the property for a forestry operation.

Decision: Allowed - on the grounds that the land had limited agricultural capability.

Application #35154-0

Applicant: Weyerhaeuser Co. Ltd

Decision Date: June 2, 2004

Proposal: To exclude the 37 ha ALR portion of the 64.3 ha subject property from the ALR.

Decision: Allowed - on the grounds of poor agricultural capability.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

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

STAFF COMMENTS:

Staff suggests the Commission consider the following:

- The Commission has resisted subdivision in the area in the past, noting that this is a grazing area it wishes to protect.
- Larger parcels tend to be more suited to cattle/grazing operations. The proposed subdivision would create three approximately 9 ha parcels.
- A site visit may assist in a determination of the agricultural capability of the property.

END OF REPORT

Signature

Date

June 19, 06