



Agricultural Land Commission
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July 6, 2006

Reply to the attention of Brandy Ridout
ALC File #V-36741

Lance Valcourt
25210 Wildhorse Road
Summerland, BC V0H 1Z3

Dear Mr. Valcourt:

Re: **Application to subdivide in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution #313/2006 outlining the Commission's decision as it relates to the above noted application.

If you wish to pursue the Commission's alternate decision, 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:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a white background.

Erik Karlsen, Chair

cc: District of Summerland

BR/lv/Encl.: Minutes
Sketch Plan

36741d1.

R

L. 3955

L. 3195

DISTRICT MUNICIPALITY OF SUMMERLAND

ALR

L. 3951

L. 4230

Creek

Subject Property

L. 3324

L. 3324

L. 4230

PLAN 3619
PLAN 1 31709
PLAN 14 372
PLAN 13

PLAN 2 31709

PLAN 4664

L. 1177

PLAN 2351

PLAN 31952

31952 2

PLAN 12844

6 372

PLAN 372

L. 3765

**Provincial Agricultural Land Commission
Application #V-36741
Resolution #313/2006**



Subject property



Area approved for subdivision
in the ALR subject to inclusion
of non-ALR portion of property



Area to be included in the ALR

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 – 36741
Applicant(s)	Lance Valcourt
Proposal	To subdivide the 24 ha subject property into two equal-sized lots along Wildhorse Road. Approximately 18 ha of the property are in the ALR.
Legal	PID: 006-681-620 Lot 1, District Lot 1177, Osoyoos Division Yale District, Plan 18676, Except Plans 38530 and KAP68197
Location	25210 Wildhorse Road, Summerland

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
- Applicant: Lance and Shelly Valcourt

Mr. Valcourt confirmed that he had received the staff report dated June 20, 2006 and did not identify any errors.

Discussion

The Commission did not believe that there was an impediment to farming caused by the presence of the road through the property. The Commission noted that while the portion of the property lying to the east of Wildhorse Road was not currently used as part of the farming operation, it did have agricultural capability. Considering these details, the Commission believed that subdivision was not in the best interest of agriculture.

However, it also noted that the property was only partly in the ALR and that subdivision along the existing ALR boundary would divide the eastern portion of the property. The Commission was concerned that subdivision along the ALR boundary would create an additional residential lot in the area and reduce the possibility of the subdivided area being developed for agriculture. As such, it would allow the subdivision as proposed subject to the inclusion of the non-ALR portion of the property into the ALR.

IT WAS

MOVED BY: Commissioner Sidhu
SECONDED BY: Commissioner McCoubrey

THAT the application be refused as proposed

AND THAT the Commission would allow the proposed subdivision subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application, and
- the submission of an inclusion application for the non-ALR area lying east of Wildhorse Road.

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 #313/2006



Staff Report
Application # V – 36741
Applicant: Lance Valcourt
Location: Summerland

DATE RECEIVED: June 5, 2006

DATE PREPARED: June 20, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To subdivide the 24 ha subject property into two equal-sized lots along Wildhorse Road. Approximately 18 ha of the property are in the ALR.

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

BACKGROUND INFORMATION:

The portion of the property to the west of the road is relatively flat and is currently being farmed while the portion of the property to the east of the road is largely undeveloped and has no buildings.

Local Government:

The Corporation of the District of Summerland

Legal Description of Property:

PID: 006-681-620
Lot 1, District Lot 1177, Osoyoos Division Yale District, Plan 18676, Except Plans 38530 and KAP68197

Purchase Date:

June, 2001

Location of Property:

25210 Wildhorse Road, Summerland

Size of Property:

24 ha (approximately 18 ha is in the ALR).

Present use of the Property:

Pasture and residence

BACKGROUND INFORMATION (continued):

Surrounding Land Uses:

WEST: ALR, pasture and residence
SOUTH: ALR, pasture and residence
EAST: Non-ALR
NORTH: ALR, pasture

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E.062
The ALR portion of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

OCP
96-001 F-Farmland

Zoning Bylaw and Designation:

99-001 A2-Agriculture

RELEVANT APPLICATIONS:

In 1979, the area south of the subject property was the focus of a block application for subdivision for those properties divided by Garnet Valley Road. At that time permission was granted to subdivide numerous properties as divided by the road. However, the Commission did not intend to permit the continued residential development along this road.

Application #09214-0

Applicant: District of Summerland
Decision Date: October 9, 1980
Proposal: Requested exclusion of 6.9 ha.
Decision: Exclusion allowed by Cabinet.

Application #26032-0

Applicant: Gil & Edith Connolley
Decision Date: June 19, 1992
Proposal: To subdivide the 3 ha subject property into two equal-sized lots.
Decision: Refused. In 1979, under a block application, permission was granted to create 1 lot of 1.5 ha east of the road on the property. It was the Commission's intention that the larger lot to the north would buffer any future residential movement northwards and it was never the Commission's intention to permit the continued residential development along this road.
Reconsideration - refusal reconfirmed.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Summerland Council: Supports.

Agricultural Advisory Committee: Supports.

Development Services: The subdivision does not appear to negatively affect farming in any way and will allow for improvements to Wildhorse Road.

STAFF COMMENTS:

Staff suggests the Commission consider the following:

- Subdivision along the ALR boundary is permitted under Section 10(d) of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*.
- If the impediment to farming caused by the presence of the road through the property is great enough to legitimate subdivision.
- The agricultural capability of the portion of the property lying to the east of Wildhorse Road and the impact subdivision would have on the remainder.

END OF REPORT



Signature

June 20, 2006
Date