



**Agricultural Land Commission**  
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December 7, 2006

Reply to the attention of Brandy Ridout  
ALC File: #V - 36753

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

Dear Mr. Elenko:

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

Please find attached the Minutes of Resolution #593/2006 outlining the Commission's decision as it relates to the reconsideration of its decision related to the above noted application. As agent, it is your responsibility to notify your client accordingly.

If your client wishes 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', is written over the printed name below.

Erik Karlsen, Chair

cc: Regional District of Okanagan-Similkameen (#D06-01119-000)

BR/lv/Encl.: Minutes  
36753d2.

**Conclusions**

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal, if amended to a two lot subdivision, will not have a negative impact on agriculture.

**IT WAS**

**MOVED BY:** Commissioner Irvine

**SECONDED BY:** Commissioner Sidhu

THAT the information presented constitutes evidence that was not available at the time of the original decision and therefore a reconsideration is warranted.

AND That for the purposes of Section 33(2) of the *Agricultural Land Commission Act*, there are no persons it considers is affected by the reconsideration.

THAT the application to undertake a boundary line adjustment to subdivide the three subject properties (two 1.2 ha lots and one 39 ha lot) into three lots (one 9.9 ha lot, 10.4 ha lot and one 16.9 ha lot) be refused as proposed

AND THAT the Commission would allow the subdivision of the subject properties into two lots of approximately equal size subject to the following conditions:

- subdivision plans be submitted showing the property divided into two approximately equal sized lots and the rationale provided for the location of the lot lines (i.e. dividing the property taking into consideration the agricultural use of the property),
- That the subdivision result in only two lots (i.e. the two 1.2 ha lots must be consolidated into the newly subdivided farm properties).
- That the 1.4 ha lot approved for subdivision under application #V-36754 be subdivided, sold to the Regional District, and prepared for construction of the Regional District's new sewage treatment plant before approval under this application be acted on.

AND THAT the approval is granted to the applicant only and is valid for two (2) years from the date of this decision.

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 # 593/2006**



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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A meeting was held by the Provincial Agricultural Land Commission on November 22, 2006.

<b>PRESENT:</b>	Sue Irvine	Chair, Island Panel
	Sharon McCoubrey	Commissioner
	Sid Sidhu	Commissioner
	Brandy Ridout	Staff
	Martin Collins	Staff

### For Consideration

Application: # V - 36753  
Applicant: Heidi Robinson  
Original Proposal: To subdivide three lots (two 1.2 ha lots and one 39 ha lot) into eight lots - seven 4.3 ha lots and one 6 ha lot.  
Current Proposal: Reconsideration of decision by Resolution #481/2006 for the purposes of carrying out a boundary line adjustment to subdivide the subject properties into three (3) lots instead of eight (8) lots – one 9.9 ha lot, 10.4 ha lot and one 16.9 ha lot. The Commission has approved the subdivision of a 1.4 ha lot for the Regional District's new sewage treatment plant.  
Legal:  
1. PID: 013-080-741  
That part of District Lot 10, Parcel E, Similkameen Division Yale District, Plan B7137  
2. PID: 013-080-652  
District Lot 337s, Similkameen Division of Yale District;  
3. PID: 013-080-679  
District Lot 338s, Similkameen Division of Yale District  
Location: South of Okanagan Falls, between Highway 97 and the Okanagan River

### Site Inspection

A site inspection was conducted on July 31, 2006 for the original 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**

### **Assessment of Agricultural Capability**

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The majority of the property is identified as having prime dominant ratings.

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Subclasses (limitations)

W - excess water

A - soil moisture deficiency

P - stoniness

D - undesirable soil structure

### **Assessment of Agricultural Suitability**

The Commission next assessed whether the external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission did not believe there are external factors that render the land unsuitable for agricultural use.

### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission was aware that there are currently three titles that make up the applicant's farm. However, it did not agree with the statement that the two 1.2 ha parcels are not currently agriculturally suitable because they are too small. This statement overlooks the fact that they are currently used as part of the larger farm unit, regardless of their legal lot lines. The Commission believed that subdivision into three lots would reduce the potential agricultural uses of the property.

However, the Commission believed that subdivision into two large lots would not be detrimental to agriculture in this case as they would still be large enough to maintain their agricultural potential.