



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

October 4, 2006

Reply to the attention of Brandy Ridout
ALC File #T-36757

James Skinner
7910 Keddleston Road
Vernon, BC - V1B 3N4

Dear Mr. Skinner:

Re: Application to subdivide in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #478/2006 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of North Okanagan - 05-0878-C-ALR

BR/eg/Encl.: Minutes



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 29, 2006 at the Ministry of Agriculture and Lands office located at 4607 - 23rd Street, Vernon, BC.

PRESENT:	Sue Irvine	Chair, Okanagan Panel
	Sharon McCoubrey	Commissioner
	Sid Sidhu	Commissioner
	Martin Collins	Staff
	Terra Kaethler	Staff

For Consideration

Application: #T- 36757
Applicant: Milford & Helen Nixon
Proposal: To subdivide a 7.2 ha lot from the 29 ha subject property. The purpose of the proposed subdivision is to provide a lot for the daughter and son-in-law.
Legal: PID: 013-571-451
The North ½ of the South West ¼ of Section 30, Township 5, Osoyoos Division Yale District, EXCEPT Plans 34627 and KAP58524
Location: Keddleston Rd., northeast of Vernon

Site Inspection

A site inspection was conducted on August 1, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey and Sid Sidhu
- Staff: Brandy Ridout
- Applicant: Helen Nixon
- Agent: Jamie Skinner

Mr. Skinner confirmed that he had received the staff report dated July 10, 2006 and did not identify any errors.

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 secondary ratings. About half the property has 4PT ratings, the remainder 6TR.

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

Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

Subclasses

P stoniness
R shallow soil / bedrock outcroppings
T topography

The property is suitable grazing/rangeland. Although the applicant's daughter was proposing to farm the new smaller lot, the Commission believes that on properties that have class 4 and 6 soils, it is better to maintain larger lots to support livestock.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. It believed that subdivision would reduce the agricultural capability of the property.

Other Factors

In its deliberation on this application, the Commission noted that it would be prepared to review a planning exercise that considered local area agricultural concerns.

IT WAS

MOVED BY: Commissioner Sidhu
SECONDED BY: Commissioner McCoubrey

THAT the application be refused on the grounds that it would reduce the agricultural capability of the property.

CARRIED
RESOLUTION #478/2006



Staff Report
Application # T – 36757
Applicant: Milford & Helen Nixon
Agent: James Skinner
Location: Keddleston, northeast of Vernon

DATE RECEIVED: June 15, 2006

DATE PREPARED: July 10, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To subdivide a 7.2 ha lot from the 29 ha subject property. The purpose of the proposed subdivision is to provide a lot for the daughter and son-in-law.

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

BACKGROUND INFORMATION:

Several applications have been previously considered on the property. The Commission refused a similar application in 1992.

Local Government:

Regional District of North Okanagan

Legal Description of Property:

PID: 013-571-451

The North ½ of the South West ¼ of Section 30, Township 5, Osoyoos Division Yale District, Except Plans 34627 and KAP58524

Purchase Date:

November 1981

Location of Property:

7940 Keddleston Road, northeast of Vernon

Size of Property:

29 ha (approximately 26 ha lies within the ALR)

BACKGROUND INFORMATION (continued):

Present use of the Property:

Pasture, a permanent dwelling, a mobile home, and barn/shop

Surrounding Land Uses:

WEST: Large forested/grazing property partly in the ALR
SOUTH: Three small rural lots (less than 2 acres each) and a large 25 ha parcel is past
EAST: 2 ha rural residential lot
NORTH: Non-ALR mountainside

Agricultural Capability:

Data Source: Agricultural Capability Map # 82L/6
The majority of the property is identified as having secondary ratings. About half the property has 4PT ratings, the remainder 6TR.

Official Community Plan and Designation:

Electoral Area C, Rural Vernon OCP, Bylaw No. 1708
Designation: Agricultural/Country Residential

Zoning Bylaw and Designation:

Zoning Bylaw No. 1888
Designation: Non Urban
Minimum lots size: 7.2 ha

PREVIOUS APPLICATIONS:

Application #14756-0

Applicant: Milford and Helen Nixon
Decision Date: 1982
Proposal: To subdivide a 2 ha lot as divided by Keddleston Road.
Decision: Refused.

Application #21799-0

Applicant: Milford and Helen Nixon
Decision Date: 1988
Proposal: To subdivide a 2 ha lot as divided by Keddleston Road.
Decision: Allowed.

Application #27320-0

Applicant: Milford and Helen Nixon
Decision Date: April 8, 1993
Proposal: To subdivide the 30 ha subject property into two lots of roughly equal size (14.8 ha and 15.2 ha).
Decision: Refused, on the grounds of reduced agricultural capability and potential conflict between farm and non-farm uses.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The Regional District of North Okanagan: Forwarded the application without comment.

The Electoral Area Services Commission: Does not support a three lot subdivision. Instead the Commission supports a two lot subdivision (to subdivide one lot of 7.2 ha).

Local Government Staff: Support a two lot subdivision (to subdivide one lot of 7.2 ha)

STAFF COMMENTS:

Staff recommends that the Commission consider the following:

- About half the property appears to have very limited agricultural capability (Class 6TR). However, the area proposed for subdivision has the best soils and topography (Class 4 with limitations of topography and stoniness).
- Properties used for grazing are better larger to support livestock.
- A 7.2 ha lot in this area is more likely to be used as a rural residence rather than an agricultural property.
- A site visit is recommended to ascertain the overall agricultural capability of this property and the surrounding area.

END OF REPORT



Signature



Date