



Agricultural Land Commission
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November 22, 2006

Reply to the attention of Brandy Ridout
ALC File: T-36995

R C Power & Associates
2916 - 29th Street
Vernon, BC V1T 5A6

Dear Mr. Power:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution #587/2006 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:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the printed name below.

Erik Karlsen, Chair

cc: City of Vernon (07100-020)

Enclosure: Minutes

BR/eg
i/36995d1

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 agricultural capability of the soil of the subject property is Class 2D. This rating indicates prime agricultural capability.

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

Assessment of Agricultural Suitability

The Commission next assessed whether external factors, such as encroaching non-farm development, have caused or will cause the land to become unsuitable for agriculture. The Commission noted that there is currently a residential subdivision to the east, the Commission has allowed exclusion of the property to the north (previously part of the subject property), and there is a new residential area across the road to the south. However, the Commission did not believe that it made farming the property impossible.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. Exclusion of the 2.2 ha property would mean that it would be developed into 18 residential lots and a road, effectively removing prime agricultural land from agricultural production.

The Commission was also concerned about the impact of exclusion on the adjacent properties in the ALR. In considering this topic, the Commission does not only consider agriculture that is currently taking place as its focus is preserving the land base for agriculture. Although the applicant's proposal included retaining a 10-metre wide buffer along the west boundary of the subject property to reduce the impact of 14 residential lots along the ALR boundary, the Commission did not wish to see the urban/rural boundary shifted to the west. In addition, the property to the east would be negatively impacted as it would then be fully surrounded by residential development.

Assessment of Other Factors

The Commission also discussed the previous application on the subject property. In 1989, the Commission considered an application that requested the exclusion of three parcels totaling 3.9 ha in order to subdivide into residential lots. The application was refused on the grounds that the exclusion and residential development would have a negative impact on the agricultural potential of the subject and surrounding ALR lands. However, the Commission agreed to exclude a 1.8 ha portion on the condition that the remnant lands were consolidated. The area currently under application was considered under that application and its exclusion was refused.

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 will impact agriculture.
4. That the proposal is inconsistent with the purposes of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Irvine

SECONDED BY: Commissioner McCoubrey

THAT the application be refused on the grounds that the property has agricultural capability.

CARRIED

Resolution # 587/2006



Staff Report
Application # T – 36995
Applicant: Brent & Joyce Deacon
Agent: R C Power & Associates
Location: Vernon

DATE RECEIVED: October 10, 2006

DATE PREPARED: October 24, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To exclude the 2.2 ha subject property in order to subdivide it into eighteen (18) single family dwelling lots.

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

BACKGROUND INFORMATION:

The applicants presently run 300 head of cattle on the property to the north (the O'Keefe range) but will soon lose this right to graze. The applicants wish to sell the subject property and the lot to the north in order to purchase a larger piece of land on which to run their cattle.

If the subject property was removed from the ALR, community sewer could be brought up via the proposed road. Even though the adjoining property to the west has minimal agricultural use, a 10-metre wide buffer along the west boundary of the subject property would be established.

Local Government:

The City of Vernon

Legal Description of Property:

PID: 023-079-894

Lot 2, Section 32, Township 9, Osoyoos Division Yale District, Plan KAP54808

Purchase Date:

May 1995

Location of Property:

5955 Bella Vista Road, Vernon

Size of Property:

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

BACKGROUND INFORMATION (continued):

Present use of the Property:

Residence, several horses, corral and 25 head of cattle

Surrounding Land Uses:

WEST: ALR, 4 ha parcel, pasture, no significant agricultural activities
SOUTH: ALR, Bella Vista Road and 2 ha parcels across road
EAST: One lot in the ALR, residential beyond
NORTH: Non-ALR, residential

Agricultural Capability:

Data Source: Agricultural Capability Map # 82L.024
The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

OCP: Bylaw No. 4676
Designation: Rural Agricultural (RA)

Zoning Bylaw and Designation:

Zoning: Bylaw No. 5000
Designation: Agriculture (A1)
Minimum Lot Size: 12 ha

PREVIOUS APPLICATIONS:

Application #22566-0

Applicant: Brent & Joyce Deacon
Decision Date: January 27, 1989
Proposal: To exclude 3 parcels totalling 3.9 ha in order to subdivide into residential lots.
Decision: Refused on the grounds that the exclusion and residential development would have a negative impact on the agricultural potential of the subject and surrounding ALR lands. The Commission agreed to exclude a 1.8 ha portion on the condition that the remnant lands were consolidated and that the final plan of subdivision for the excluded area is reviewed by the Commission to ensure that road design does not negatively affect the ALR lands situated adjacent.

RELEVANT APPLICATIONS:

Application #74-0033-0

Applicant: Ai Sugawara
Decision Date: June 11, 1974
Proposal: To exclude the 10.7 ha subject property from the ALR.
Decision: Refused. However, the Commission appreciates the circumstances concerning the application and would consider permitting a subdivision of the subject property provided the acreage of the newly created lots be a minimum of 2 ha.

RELEVANT APPLICATIONS (continued):

Application #74-0033-1

Applicant: Ai Sugawara
Decision Date: September 20, 1974
Proposal: To exclude the 10.7 ha subject property from the ALR on the grounds that the property was zoned residential and there is substantial commencement by the owners of the property.
Decision: Allowed.

Application #28972-0

Applicant: Skyview Properties Inc
Decision Date: June 29, 1994
Proposal: To exclude the 6.3 ha property for residential development.
Decision: Refused.

Application #31857-0

Applicant: Skyview Properties Inc.
Decision Date: April 23, 1998
Proposal: To exclude approximately 3.3 ha of the property in order to develop a residential subdivision which would be buffered from the parcel remainder which would be developed for agricultural purposes.
Decision: Refused on the grounds of excessive reduction of agricultural capability. However, the Commission was prepared to allow the exclusion of the northerly 2.6 ha for residential development subject to buffering on the ALR boundary and the agricultural improvement of the remainder within the ALR.

Application #31857-1

Applicant: Skyview Properties Inc.
Decision Date: March 2, 2006
Proposal: Under the original proposal, the Commission approved a subdivision layout that showed a buffer between the proposed development and the ALR remainder that included an access road right of way (20 metres) and a 6-metre wide vegetated buffer. The current layout shows the access road through the centre of the development and a 6-metre buffer between the retaining wall of the strata lots and the property line.
Decision: Allowed - subject to:
· a fencing and vegetative screening plan
· building setbacks of at least 10 meters from the property line.
· water being made available to the ALR remainder of the property.
· a disclosure statement on each title of the newly created lots abutting the ALR indicating that they are adjacent to ALR land, and can expect to be affected by typical farm noises and odours.

Application #25106-0

Applicant: Johanna Thaller
Decision Date: January 15, 1992
Proposal: To exclude the 7.1 ha subject property on the grounds that urban intrusion has made it impossible to continue farming the parcel, which is substantially separated from the farmland by a ridge.
Decision: Allowed - at a meeting with Vernon City Council in 1991, the Commissioners agreed to review a request by the City for expansion of the City's urban area to include the subject property, on the grounds that the City urgently required land onto which to grow and that the subject property is readily serviceable and topographically separated from the rest of the Bella Vista agricultural community.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

City of Vernon Council: Authorize the application to be forwarded to the ALC without comment.

Planning, Development & Engineering Services: Recommend that Council not support the application as there has not been significant documentation provided to justify exclusion (i.e. a report by an agrologist on agricultural capability) and it has not been demonstrated that the lands cannot be used for agricultural purposes.

OTHER COMMENTS:

One letter of opposition was received in which concern was expressed over protection of the ALR and growth within the present framework.

STAFF COMMENTS:

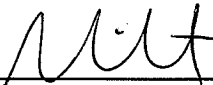
Staff suggests the Commission consider the following:

- The subject property has prime agricultural capability ratings.
- A previous application on the property refused exclusion of this portion of the property (application #22566).

ATTACHMENTS:

- ALR Base Map #82 L/6
- ALR Constituent Map #13
- Map of subject property (provided by applicant)
- Proposed subdivision plan (provided by applicant)
- Air photo (provided by applicant)

END OF REPORT



Signature

Oct 24, 06

Date