



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

March 14, 2007

Reply to the attention of Brandy Ridout
ALC File: #T - 37112

Joel Allen
6615 Buchanan Road
Vernon, BC V1B 3C6

Dear Sir:

Re: Application to Subdivide Land within the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 27/2007 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: The Corporation of the District of Coldstream (#03-047-ALR)

Enclosure: Minutes

MC/lv
37112d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on February 14, 2007 in Penticton, B.C.

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

For Consideration

Application: # T - 37112
Applicant: Joel Allen
Proposal: To subdivide the six (6) 2.0 ha lots from the 34 ha property for the applicant's children. The application began as an exclusion. However, due to neighborhood opposition, the application was converted to a subdivision request. Two adjoining landowners have written in support of the subdivision application.
Legal: PID: 004-378-920
Lot 3, Section 26, Township 6, Osoyoos Division Yale District, Plan 29175
Location: 6615 Buchanan Road, Coldstream

Site Inspection

A site inspection was conducted on Monday February 12, 2007. Those in attendance were:

- Sue Irvine Chair, Okanagan Panel
- Sharon McCoubrey Commissioner
- Sid Sidhu Commissioner
- Jennifer Carson Staff
- Martin Collins Staff
- Joel Allen Applicant

Mr. Allen confirmed that the staff report dated January 22, 2007 was received and no errors were identified.

The Commission noted that the applicant had a residence and a commercial greenhouse (flowers) on the less steep (easterly) portion of the property.

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 and Suitability

In assessing agricultural capability of the property and the area proposed for subdivision, the Commission noted that the land had challenges for agriculture due to steep topography and poor soils. However, the Commission believes the land has some capability for intermittent grazing uses, consistent with similar hillside lands in the ALR on the north side of the Coldstream Valley. Also, the Commission does not believe there are any external factors such as encroaching non-farm development that cause or will cause the land to become unsuitable for Agriculture.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the subdivision proposal against the long term goal of preserving agricultural land. The Commission believes that subdividing the land as proposed will effectively eliminate any of the limited agricultural capacity of the property, and that is extremely unlikely that any of the small lots will be used for agricultural purposes.

Assessment of Other Factors

The Commission discussed the value of retaining this land within the ALR when it was apparent that the parcel was not being used for any grazing purposes, or in conjunction with any other grazing/ranch properties. However, the Commission also expressed concern about permitting non agricultural subdivision of the property, and yet retaining the lands within the ALR. The Commission believes that keeping the land within the ALR necessitated the retention of the property in the largest possible size to ensure that the broadest range of the potential (though limited) options remain for agriculture.

Conclusions

1. That the proposed subdivision will not benefit agriculture, and will ensure that most of the limited agricultural capability of the property will be significantly impaired.
2. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land and encourage farming.

IT WAS

MOVED BY: Commissioner Sue Irvine

SECONDED BY: Commissioner Sharon McCoubrey

THAT the application to subdivide six (6) 2.0 ha lots from the 34 ha property be refused.

CARRIED

Resolution # 27/2007



Staff Report
Application # T – 37112
Applicant: Joel and Rita Allen
Location: Coldstream

DATE RECEIVED: December 7, 2006

DATE PREPARED: January 22, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: Subdivision for a family member. The applicants are proposing to subdivide six 2 ha lots from 34 ha subject property for their children.

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

BACKGROUND INFORMATION:

The application began as an exclusion application but was changed to a subdivision within the ALR application as there was significant neighborhood opposition to the proposal. The applicants note that they have been actively farming for 25 years and, with the exception of approximately 1 ha, the property is not suitable for agriculture. This is due to the lack of topsoil, steep topography, and the presence of rocks.

Local Government:

District of Coldstream

Legal Description of Property:

PID: 004-378-920

Lot 3, Section 26, Township 6, Osoyoos Division Yale District, Plan 29175

Purchase Date:

September 1995

Location of Property:

6615 Buchanan Road, Coldstream

Size of Property:

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

BACKGROUND INFORMATION (continued):

Present use of the Property:

Commercial greenhouse, non arable land, rocky and very steep

Surrounding Land Uses:

WEST: Hillside ALR and non ALR, forested and in grassland
SOUTH: 2-4 ha rural residential/hobby farm lots in the ALR
EAST: Partly farmed ALR hillside areas
NORTH: Non ALR hillside

Agricultural Capability:

Data Source: Agricultural Capability Map # 82L.025; 82L/3
The majority of the property is identified as having secondary ratings.

Official Community Plan and Designation:

OCP Designation: Agricultural and RU30

Zoning Bylaw and Designation:

Zoning Designation: RU2
Minimum Lot Size: 2 ha

PREVIOUS APPLICATIONS:

Application #24195-0

Applicant: Linda & Donald Eloff
Decision Date: March 16, 1990
Proposal: To subdivide the 42.7 ha parcel into two lots (16 ha and 26.7 ha). About 4 ha of the 16 ha lot is under cultivation.
Decision: Allowed.
Subdivision was not completed.

Application #32390-0

Applicant: Provincial Agricultural Land Commission
Decision Date: January 27, 1999
Proposal: The Commission proposed to include approximately 900 ha into the ALR, primarily hillside grasslands in the District of Coldstream. The vast majority of this land is owned by the Coldstream Ranch.
Decision: Refused as proposed based on site visits and presentations made at the public hearing. However, the south facing grasslands (on the north side of the valley) as well as those lands on the south side of the valley that have reasonably good soils/grassland capability were included. The total amount of land included was approximately 600 ha.
Although considered for inclusion under this application, the Commission did not include the non-ALR portion of the subject property as it believed that the land had insufficient agricultural potential to warrant its inclusion into the ALR..

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

District of Coldstream Council: That the application be forwarded to the Commission for its adjudication.

District of Coldstream Advisory Planning Commission: Does not support the subdivision on the grounds of unwanted precedent along the Coldstream hillsides; access; and overall esthetics.

OTHER COMMENTS:

Two adjoining landowners have written in support of the subdivision application, based on esthetics.

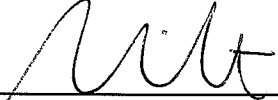
STAFF COMMENTS:

- The agricultural capability of the soil of the ALR portion of the property is 70% Class 3, 30% Class 6, both with topography as a limitation. Slopes on the majority of the property appear to be 30% or more (information provided by Quantum Consulting Group Ltd.).
- The hillside areas proposed for subdivision have potential suitability for grazing.
- Land would be removed from future agricultural use by the construction of six additional homesites.
- A road would need to be constructed to access the proposed lots.
- The proposed lots would be 2 ha in size, which, in this area, would appear to preclude their use for agriculture.
- The precedent of subdividing grassland hillside areas for rural residential uses is inconsistent with the previous Commission practice of including grassland areas into the ALR. Grasslands typically need to be maintained in large parcels so that they can retain a reasonable livestock carrying capacity.

ATTACHMENTS:

- ALR Base Map (1:50,000)
- ALR Constituent Map (1":800')
- Letter from applicant
- Soil Analysis Plan showing proposed lots (provided by applicants)
- air photo

END OF REPORT



Signature



Date

NE 1/4 SEC 27

NW 1/4 SEC 26

NE 1/4 SEC 26

Subject Property

SE 1/4 SEC 27

NW 1/4 SEC 26

ALR

L 2
RP 2489

B 4540

B 4860

RP 4054

DD 6164

B 3634

B 3638

RP 4054

DD 6164

L
RP 4054

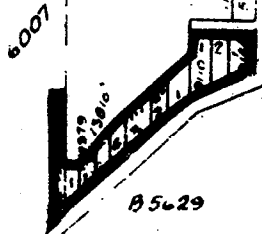
L 1 RP 4017

B 4712

PACEMAN DRIVE

Constituent
Map # 40
Scale: 1:10,000 1" = 800'

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N



RP 6549

RP 88418

RP 88418

RP 16549

DJ 4
85453
19213

L 1 RP 6007

13637 B 5637

DJ 4
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