



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

April 12, 2007

Reply to the attention of Brandy Ridout
ALC File: #T - 37127

Heidi & Helmut Lang
2041 Mabel Lake Road
Lumby, BC V0E 2G6

Dear Mr. and Mrs. Lang:

Re: Application to subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 114/2007 outlining the Commission's decision as it relates to the above noted application.

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:

Erik Karlsen, Chair

cc: Regional District of North Okanagan (#06-0357-D-ALR)

Enclosure: Minutes/Sketch Plan

BR/lv
37127d1



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
	Martin Collins	Staff

For Consideration

Application: # T- 37127
 Applicant: Heidi & Helmut Lang
 Proposal: To subdivide a 7.2 ha lot from the 63.6 ha subject property. Approximately 19 ha of the subject property lie within the ALR and the entire proposed lot is within the ALR.
 Legal: PID: 005-367-115
 Lot 2, Section 13, 14, & 23, Township 40, Osoyoos Division Yale District, Plan 25677
 Location: (T) 1350 Lumby Mabel Lake Road

Site Inspection

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

- Sue Irvine Chair, Okanagan Panel
- Sharon McCoubrey Commissioner
- Sid Sidhu Commissioner
- Martin Collins Staff
- Helmut Lang Applicant

Mr. Lang confirmed that the staff report dated January 10, 2007 was received and no errors were identified.

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.

The Act provides processes for landowners, local governments and First Nations to apply to the Commission to remove land from or to include land into the ALR or to subdivide or use land in the ALR for non-farm purposes.

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 portion of the subject property requested for subdivision is 70% Class 2 and 30% Class 3. However, a site visit indicated that the property was in fact quite steep and contained a deep gully.

Assessment of Agricultural Suitability

The Commission assessed the agricultural suitability of the portion of the property being requested for subdivision. It believed that the area had limited suitability for agriculture due to steep slopes and pervasive deep gullies.

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 did not believe the proposal would impact existing or potential agricultural use of the remainder of the subject property or surrounding lands.

Conclusions

1. That the land under application has limitations to its agricultural capability.
2. That the land under application has limited suitability for agricultural use.
3. That the proposal will not negatively impact agriculture.

IT WAS

MOVED BY: Commissioner Irvine

SECONDED BY: Commissioner Sidhu

THAT the application be allowed on the grounds that subdivision would have no negative impact on agriculture.

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- the subdivision must be completed within three (3) 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 # 114/2007



Staff Report
Application # T – 37127
Applicant: Heidi & Helmut Lang
Location: northeast of Lumby

DATE RECEIVED: December 14, 2006

DATE PREPARED: January 10, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To subdivide a 7.2 ha lot from the 63.6 ha subject property.

Approximately 19 ha of the subject property lie within the ALR and the entire proposed lot is within the ALR.

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

BACKGROUND INFORMATION:

In 2005, under application #T-36024 the applicant requested the subdivision of a 7.2 ha lot directly to the east of the 7.2 ha lot currently proposed. The Commission allowed the subdivision on the grounds that the land had very limited suitability for agriculture due to pervasive deep gullies.

The applicant states that the 7.2 ha area currently under application has several deep gullies with steep hillsides and that farming is not possible.

Local Government:

Regional District of North Okanagan

Legal Description of Property:

PID: 005-367-115

Lot 2, Section 13, 14, & 23, Township 40, Osoyoos Division Yale District, Plan 25677

Purchase Date:

April 2000

Location of Property:

(T) 1350 Mabel Lake Road, 13 km northeast of Lumby

BACKGROUND INFORMATION (continued):

Size of Property:

63.6 ha (Approximately 19 ha are in the ALR).

Present use of the Property:

The property is mainly treed and unimproved for agricultural use.

Surrounding Land Uses:

WEST: Farming and Residential
SOUTH: Gravel Pit and Residential
EAST: Residential
NORTH: Farm and Residence

Agricultural Capability:

Data Source: Agricultural Capability Map # 82L/7
The majority of the property is identified as having secondary ratings.

Official Community Plan and Designation:

OCP: Electoral Areas "D" and "E"
Designation: Non-Urban/Agricultural/Major Road/Floodplain

Zoning Bylaw and Designation:

Zoning: Bylaw No. 1888 (2003)
Designation: Non-Urban Zone (N.U.)
Minimum Lot Size: 7.2 ha

PREVIOUS APPLICATIONS:

Application #36024-0

Applicant: Heidi & Helmut Lang
Decision Date: July 22, 2005
Proposal: To subdivide a 7.2 ha lot from the southeastern portion of the 70.8 ha property due to gullies and poor soil conditions. Approximately one third of the property lies within the ALR and the entire proposed lot is within the ALR.
Decision: Allowed on the grounds that the land had very limited suitability for agriculture due to pervasive deep gullies.

Application #33425-0

Applicant: Regional District of North Okanagan
Decision Date: October 24, 2000
Proposal: To exclude approximately 4,064 ha from the ALR in the North Okanagan Regional District in Electoral Areas D and E.
Decision: Refused the proposal as submitted, retaining 404 ha in the ALR because some lands proposed for exclusion had agricultural capability. However, approximately 3,660 ha were excluded because the land had minimal agricultural capability due to soil, topographic factors or existing non farm uses.
Under this application a portion of the subject property along Bessette Creek was excluded from the ALR.

PREVIOUS APPLICATIONS (continued):

Application #33425-1

Applicant: Regional District of North Okanagan

Decision Date: May 24, 2001

Proposal: Minor amendments are proposed to the Commission's decision which excluded 3,660 ha from the ALR in Electoral Areas D and E. The Village of Lumby has requested that 1.6 ha of cemetery lands be excluded.

Decision: The Commission allowed the exclusion of the 1.6 ha cemetery properties owned by the Village of Lumby and the Catholic Church. In addition the Commission reconfirmed the exclusion of Lot A, KAP 46808 including the 0.6 ha easterly portion of the property remaining within the ALR.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District of North Okanagan Board: Application be authorized for submission.

Regional District of North Okanagan Electoral Area Services Commission: Application be authorized for submission.

Regional District of North Okanagan Area 'D' Advisory Planning Commission: Concerned that the proposed panhandle would not have enough land frontage. However, Department of Highways has agreed that the proposal will work. Application be authorized for submission.

Regional District of North Okanagan Development Services: Application be authorized for submission.

STAFF COMMENTS:

- The Commission's onsite visit for application #T-36024 indicated that the area to the east of the proposed 7.2 ha lot had very limited suitability for agriculture due to pervasive deep gullies. From the air photo, the land currently under application is similar to the land that lies to the east.
- A site inspection by local government staff conducted for application #T-36024 indicated that the land south of Bessette Creek is bisected by two very significant gullies and the soil contains a notable amount of gravel to cobble sized stone.

ATTACHMENTS:

- ALR Base Map #82 L/7 (1:50,000)
- ALR Constituent Map #20 (1":800')
- Development Services Report
- Map of previously approved lot and proposed 7.2 ha lot (provided by Regional District)
- Air photo (1:15,000)

END OF REPORT



Signature

Jan 11, 07

Date