



Agricultural Land Commission
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June 19, 2007

Reply to the attention of Brandy Ridout
ALC File: #T - 37295

Violetta and Chris Michalewicz
5585 Reid Road
Coldstream, BC V1B 3E8

Dear Mr. and Mrs. Michalewicz:

Re: Application for non-farm use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 277/2007 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Erik Karlsen, Chair

cc: District of Coldstream (#07-003-ALR)

Enclosure: Minutes

BR/lv
37295d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on June 6, 2007 in Vernon, BC.

| | | |
|-----------------|-----------------|-----------------------|
| PRESENT: | Sue Irvine | Chair, Okanagan Panel |
| | Monika Marshall | Commissioner |
| | Sid Sidhu | Commissioner |
| | Brandy Ridout | Staff |
| | Martin Collins | Staff |

For Consideration

Application: # T - 37295
Applicant: Violetta and Chris Michalewicz
Proposal: To convert the existing single family home into a duplex with a garage.
Legal: PID: 006-090-818
Lot 5, Section 24, Township 6, Osoyoos Division Yale District, Plan 24187
Location: 5585 Reid Road, Coldstream

Site Inspection

A site inspection was conducted on June 5, 2007. Those in attendance were:

- | | |
|----------------------------------|-----------------------|
| • Sue Irvine | Chair, Okanagan Panel |
| • Monika Marshall | Commissioner |
| • Sid Sidhu | Commissioner |
| • Erik Karlsen | Chair, ALC |
| • Brandy Ridout | Staff |
| • Martin Collins | Staff |
| • Violetta and Chris Michalewicz | Applicants |

Mr. Michalewicz confirmed that the staff report dated April 16, 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.

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 5 and 6 (secondary) with a limitation of topography.

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

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

Assessment of Agricultural Suitability

The Commission considered whether the property was suitable for agriculture. This consideration included details such as property size, surrounding land use and limitations to 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. As the area requested for construction was minimal the Commission did not believe the proposal would impact existing or potential agricultural use of the subject property or surrounding lands.

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 not impact agriculture.

IT WAS

MOVED BY: Commissioner Sidhu

SECONDED BY: Commissioner Marshall

THAT the application be approved.

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 # 277/2007



Staff Report
Application # T – 37295
Applicant: Violetta and Chris Michalewicz
Location: Coldstream

DATE RECEIVED: March 16, 2007

DATE PREPARED: April 16, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To convert the existing single family home into a duplex with a garage.

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

BACKGROUND INFORMATION:

Local Government:

The District of Coldstream

Legal Description of Property:

PID: 006-090-818
Lot 5, Section 24, Township 6, Osoyoos Division Yale District, Plan 24187

Purchase Date:

April 2006

Location of Property:

5585 Reid Road, Coldstream

Size of Property:

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

Present use of the Property:

Hobby Farm with a single family residence

Agricultural Capability:

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

BACKGROUND INFORMATION (continued):

Surrounding Land Uses:

WEST: 2 ha rural residential parcel in the ALR
SOUTH: Large (16 ha) farm parcel in the ALR
EAST: 2 ha rural residential parcel in the ALR
NORTH: Rural residential in the ALR

Official Community Plan and Designation:

OCP Designation: RU.2 (ALR)

Zoning Bylaw and Designation:

Zoning: Bylaw No.1382 (2002)
Designation: Rural Two Zone (RU.2)
Minimum Lot Size: 2 ha

RELEVANT APPLICATIONS:

Application #35250-0
Applicant: David Regehr
Decision Date: March 12, 2004
Proposal: To renovate an existing single family dwelling to create a two family dwelling (a duplex) on the 1.3 ha property. The dwelling footprint will increase by about 1,800 square feet using the existing building footprint, driveway and lawn.
Decision: Allowed.

Application #35928-0
Applicant: Edward & Carolyn Osborn
Decision Date: June 9, 2005
Proposal: To expand the existing home to make it a two family dwelling (duplex). Unlike a typical duplex the addition constitutes a similar sized footprint as the main house (174 square meters/184 square meters), attached by a narrow addition.
Decision: Allowed.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

District of Coldstream: Forwarded the application without comments or recommendations

STAFF COMMENTS:

Staff suggests that the Commission consider the following:

- Duplexes have been allowed by the Commission elsewhere in the District.
- Although an additional dwelling is not warranted for agricultural purposes, the impacts of a duplex would be minimal because the existing housing footprint will be utilized.

ATTACHMENTS:

- ALR Base and Constituent maps
- Air photo

END OF REPORT

Signature

Date



April 16, 07