



**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

June 14, 2007

Reply to the attention of Brandy Ridout  
ALC File: #V - 37306

Lee McFadyen  
RR01 - Site 33, Comp 05  
164 Sumac Road  
Cawston, BC V0X 1C0

Dear Mrs. McFadyen:

**Re: Application to subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 269/2007 outlining the Commission's decision as it relates to the above noted application.

Prior to commencing with an application to the Ministry of Transportation Approving Officer, the application for inclusion, as specified in the decision, must be submitted to the Regional District of Okanagan-Similkameen and considered and approved by the Commission. Upon confirmation of inclusion, 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:

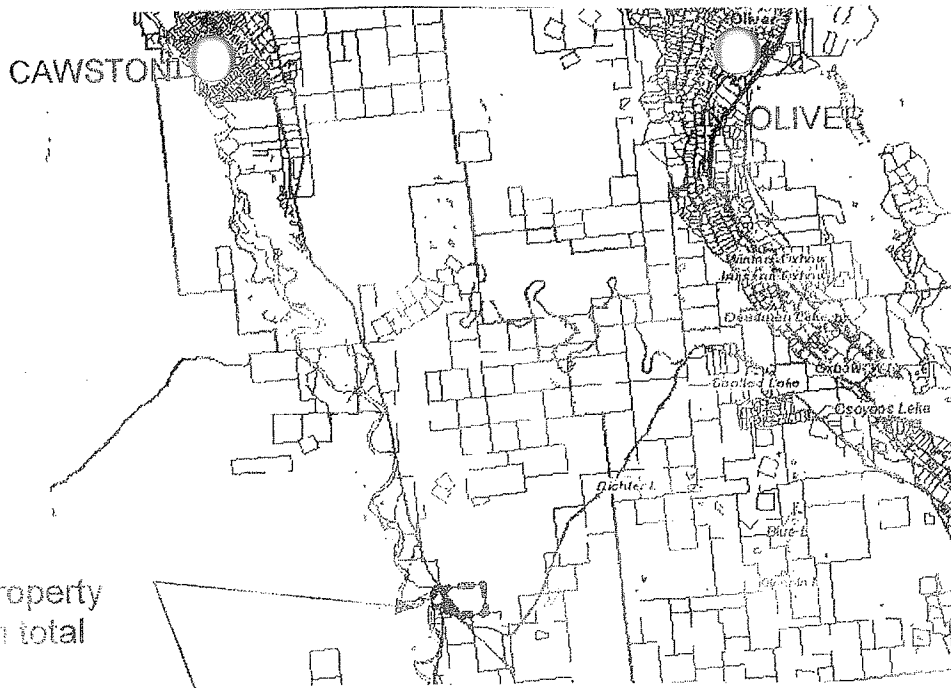
A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a white background.

Erik Karlsen, Chair

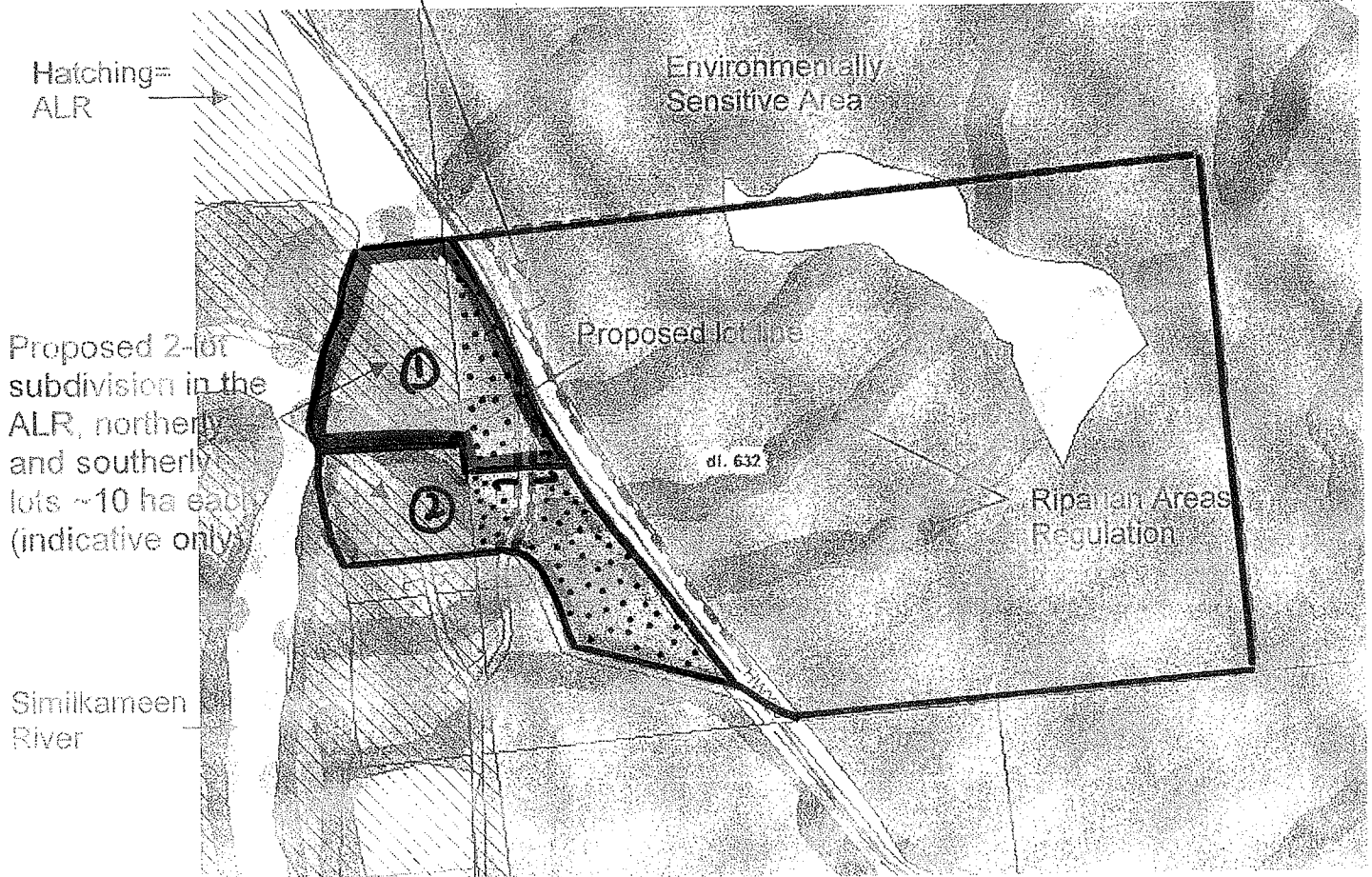
cc: Regional District of Okanagan-Similkameen (#B-07-02910-000)

Enclosure: Minutes/Sketch Plan/inclusion application form/Homesite Severance Policy

BR/iv  
37306d1



Subject Property  
~100 ha in total



Proposed 2-lot  
subdivision in the  
ALR, northerly  
and southerly  
lots ~10 ha each  
(indicative only)

Similkameen  
River

**Provincial Agricultural Land Commission**  
Application #V-37306  
Resolution #269/2007



2 10-ha lots approved for subdivision  
in the ALR



Area to be included in the ALR



## **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 majority of the soil of the ALR portion of the subject property is Class 1 and Class 3 (with limitations of topography and stoniness).

Class 1 – Land in this class either has no or only very slight limitations that restrict its use for the production of common agricultural crops.

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

### **Assessment of Agricultural Suitability**

The Commission considered whether the ALR portion of 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 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.

In its discussions, the Commission noted that the applicant meets the requirements of the *Homesite Severance Policy* as she has lived and farmed the property since 1970. However, she is of the opinion that the creation of a small lot around the homesite would negatively impact agriculture in that a non-farmer would eventually purchase the property and cause conflict with the surrounding farming operations. As such, the Commission considered the proposed subdivision in lieu of a homesite severance.

The Commission also noted that as the majority of the property is not in the ALR, the applicant could subdivide along the ALR boundary without application. To prevent future subdivision of the proposed lots, the Commission would require the inclusion of the portion of the property lying to the south of the highway.

As the proposed subdivision of the ALR portion of the property into two lots would essentially divide the cultivable portion of the property in half, the Commission considered whether the new lots would be stand-alone farm operations. The Commission felt that the proposed parcel sizes were appropriate for the type of farm operations currently taking place.

In recognition of the two distinct agricultural operations on the property, the fact that the applicant is eligible for a homesite severance, and the fact that inclusion of the remainder of the two lots into the ALR would limit their future subdivision, the Commission was prepared to allow subdivision.

## 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 negatively impact agriculture.

## IT WAS

**MOVED BY:** Commissioner Marshall

**SECONDED BY:** Commissioner Sidhu

THAT the application be approved on the grounds that two distinct agricultural operations exist on the property, the applicant is eligible for a homesite severance, and inclusion of the remainder of the two lots into the ALR would limit future subdivision.

AND THAT the approval is subject to the following conditions:

- The subdivision be in substantial compliance with the plan submitted with the application.
- The two-lot subdivision be in lieu of the subdivision of a homesite lot under the *Homesite Severance Policy*. No further consideration will be given under the *Policy*.
- The inclusion of the non-ALR portion of the two proposed lots into the ALR prior to subdivision.
- 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 # 269/2007**



**Staff Report**  
**Application # V – 37306**  
**Applicant: Lee McFadyen**  
**Location: Lower Similkameen Valley**

**DATE RECEIVED:** March 23, 2007

**DATE PREPARED:** May 8, 2007

**TO:** Chair and Commissioners – Okanagan Panel

**FROM:** Brandy Ridout, Land Use Planner

**PROPOSAL:** Subdivision for a relative: To subdivide two 10 ha lots from the 100 ha property for the applicant's sons. Only a portion of each property lies within the ALR (that area fronting onto the Similkameen River).

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

**BACKGROUND INFORMATION:**

The applicant is aware that she complies with the requirements of the Homesite Severance Policy as she has lived and farmed the property since 1970. The title was transferred to her name in 1998 after her husband's death. However, she is of the opinion that the creation of a small lot around the homesite would negatively impact agriculture in that a non-farmer would eventually purchase the property and cause conflict with the surrounding farming operations.

**Local Government:**

Regional District of Okanagan-Similkameen

**Legal Description of Property:**

PID: 014-550-938

District Lot 632s, Similkameen Division of Yale District, EXCEPT Plans B6413 and H8382

**Purchase Date:**

05/01/1962

**Location of Property:**

172 Sumac Road, Rural Cawston

**Size of Property:**

102 ha (only about 10 ha lies in the ALR).

**Present use of the Property:**

The 10 ha of ALR is primarily farmed. A cold storage unit, two greenhouses, one residence, one workers accommodation occupies non-ALR portion. One residence, two small workers quarters, one greenhouse and one packing shed occupy the ALR portion. However, these facilities are not located on arable land.

**Surrounding Land Uses:**

**WEST:** Similkameen River  
**SOUTH:** Farmland (vineyards) in the ALR  
**EAST:** Highway #3, Crown Range Land, not in the ALR  
**NORTH:** Highway 3, Crown Land, Organic Orchard, Hay and Cattle Farm

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82E.002  
The 10 ha ALR portion of the property is comprised of soils that are limited in the range of crops by summer aridity, but with irrigation can be improved to prime - 80% 4A (1), 20% 6AT (\*3TP).

**Official Community Plan and Zoning Designation:**

No OCP or zoning regulations apply to this area.

**PREVIOUS APPLICATIONS:**

No previous applications have been received on the property.

**RELEVANT APPLICATIONS:**

Application #32954-0

Applicant: Audrey Harper  
Decision Date: December 13, 1999  
Proposal: To subdivide a 5.6 ha portion of the subject property on which the majority of agriculture exists and sell the balance to the Nature Conservancy.  
Decision: Allowed - no impact in view of the physical characteristics.

---

Application #35151-0

Applicant: Alberta & Alfred Bilinski  
Decision Date: January 22, 2004  
Proposal: To subdivide the 4.2 ha property into two equal sized lots to separate the parents' portion of the property from the daughter's  
Decision: Refused on the grounds the remaining lots would not be a suitable size from an agricultural perspective.

---

Application #35988-0

Applicant: Kirk & Ruby Northrup  
Decision Date: June 9, 2005  
Proposal: To subdivide the 13.5 ha property into two equal sized lots of 6.75 ha. There are two separate farms on the property; the conventionally operated Anderson Farms (cherries/apples), and the certified organic mixed fruit and vegetable "Wind Scorpion Farm". The property has been operated as two separate farms since it was purchased in June 1991. There are separate residences and separate farm and utility infrastructure.  
Decision: Allowed subject to a restrictive covenant on each of the newly created lots limiting the number of houses to one.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Electoral Area Director, G. Hanson:** No objection to the proposed subdivision.

**Regional District of Okanagan-Similkameen Development Services Department:** Has concerns with introducing increasing density into this rural area.

**STAFF COMMENTS:**

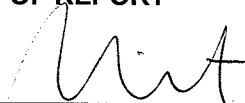
Staff suggests that the Commission consider the following:

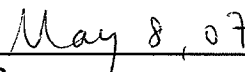
- The applicant can subdivide the 10 - 15 ha ALR area from the non-ALR remainder without application to the Commission.
- The applicant appears to qualify for consideration under *Homesite Severance Policy*. However, the proposed subdivision is not for her, but for her two sons.
- The proposal would sever the agriculturally capable area, limiting its overall potential productivity. However, the landowner indicates the sons have developed stand alone farm operations on each of the proposed parcels.
- The Commission has some experience with addressing subdivision proposals for stand alone agricultural operations. See "Relevant Applications" for details.
- The applicant has noted that additional land has been brought into production. A site inspection might indicate if these areas are currently not in the ALR and the possibility of inclusion could be discussed.

**ATTACHMENTS:**

- 1:50,000 ALR map
- Regional District map
- Letter from applicant
- Sketch showing existing use

**END OF REPORT**

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Date