



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 - 37332

Richard Chapman, BCLS
264 Westminster Ave. West
Penticton, BC V2A 1J9

Dear Mr. Chapman:

Re: Application to subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 272/2007 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly.

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', is written over the 'Per:' label. The signature is fluid and cursive, extending across the width of the page.

Erik Karlsen, Chair

cc: Regional District of Okanagan-Similkameen (#C07-07170.000)

Enclosure: Minutes/Sketch Plan

BR/lv
37332d1

L.189^S

L.158

L.658^S

ALR

PLAN 18341

PLAN B1172

PLAN D.D.3810

L.3473

PLAN 311 PLAN D.D.10903

PLAN 1 1687/15

PLAN D.D.5925

PLAN 23659

PLAN 22184

PLAN 21852

PLAN 1189

OKANAGAN RIVER

CANADIAN PACIFIC RAILWAY R/W

Subject Property

McIntyre Bluff

Bik. C

L.2475^S


Bik. B

L.64

Bik. A

L.1043^S

Provincial Agricultural Land Commission
Application #V-37332
Resolution #272/2007



11.5 ha area approved for subdivision in the ALR

CO

AAA



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: # V - 37332
Applicant: McIntyre Bluff Ranch Ltd.
Agent: Richard Chapman, BCLS
Proposal: To subdivide a 11.5 ha lot from the 41.7 ha subject property. The applicant indicates that separate title is required to that part of the ranch lying east of the former Kettle Valley Railway right of way as it will enable the owner to consummate an existing land exchange agreement with the Province of BC dated April 12, 2004. This agreement is to provide wider legal access to the McIntyre Dam site for the province to undertake proposed enhancement works on the dam as soon as possible and for future maintenance purposes.
Legal: PID: 015-231-941
District Lot 3473, Similkameen Division Yale District, Plan B1982, EXCEPT (1) Plan 311, (2) Parcel A, Plan A324, (3) Parcel R34, Plan A429, (4) Parcel R32, Plan A544 and Parcel R33, Plan A544, (5) part 15.0 acres more or less shown on Plan DD3810, (6) part 5.05 acres shown on Plan A868, (7) Plan KAP74855
Location: 39232 Highway 97, Rural Oliver, Electoral Area C.

Site Inspection

A site inspection was conducted on June 4, 2007. Those in attendance were:

- Sue Irvine Chair, Okanagan Panel
- Monika Marshall Commissioner
- Sid Sidhu Commissioner
- Brandy Ridout Staff
- Martin Collins Staff
- Blake Kennedy Applicant
- Richard Chapman Agent
- Roy Jubb Ministry of Environment
- Mabelle Tiernan Ministry of Environment

Mr. Chapman confirmed that the staff report dated May 29, 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 11.5 ha portion of the subject property under application for subdivision is 70% Class 6 with limitations of stoniness and soil moisture deficiency and 30% Class 3 with a limitation of soil moisture deficiency. Class 3 land has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both. Class 6 land 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. While the Commission did not believe there were factors that would render the land unsuitable for agricultural use, it did note that the Kettle Valley Railway right of way posed a minor impediment to farming the parcel as a unit.

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 noted that the 11.5 ha area proposed for subdivision was mainly Class 6 with limitations of soil moisture deficiency while the remainder was predominantly Class 2 and 3. As such, the Commission believed that the two parcels could operate as separate units as the type of agriculture that would take place on each parcel would require different agricultural practices. In addition, the Commission believed that if subdivision could ensure that water rights be provided to 11.5 ha lot and an easement for irrigation rights be registered over the remainder, an agricultural future for the subdivided parcel could be assisted.

Assessment of Other Factors

Although the applicant states that separate title is required to that part of the ranch lying east of the former Kettle Valley Railway right of way as it will enable the owner to consummate an existing land exchange agreement with the Province of BC dated April 12, 2004, it was not clear to the Commission that this was a requirement. However, the Commission believed that the provision of access to the McIntyre Dam site for the province to undertake proposed enhancement works on the dam as soon as possible and for future maintenance purposes was important.

The Commission also noted that another application had been received from the applicants but had been put on hold at their request. The application was for a 3-lot subdivision of the subject property, including a lot around the homesite. The Commission wished to note that the subdivision proposed under this application would be considered to have met the intent of the *Homesite Severance Policy* (if it applied).

IT WAS

MOVED BY: Commissioner Irvine
SECONDED BY: Commissioner Sidhu

THAT the application be approved.

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- water rights be provided to the new 11.5 ha lot and an easement for irrigation rights be registered over the remainder.
- 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 # 272/2007



Staff Report
Application # V – 37332
Applicant: McIntyre Bluff Ranch Ltd.
Agent: Richard Chapman, BCLS
Location: just south of Vaseux Lake

DATE RECEIVED: April 5, 2007

DATE PREPARED: May 29, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To subdivide a 11.5 ha lot from the 41.7 ha subject property. The applicant indicates that separate title is required to that part of the ranch lying east of the former Kettle Valley Railway right of way as it will enable the owner to consummate an existing land exchange agreement with the Province of BC dated April 12, 2004. This agreement is to provide wider legal access to the McIntyre Dam site for the province to undertake proposed enhancement works on the dam as soon as possible and for future maintenance purposes.

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

BACKGROUND INFORMATION:

In the RDOS Development Services Report it is pointed out that a review of the "Letter of Intent" between the owner and the province does not appear to contain any requirement that the subject property be subdivided into two separate parcels in order to facilitate the agreed land exchange. It is suggested that the consolidation of the Crown land with the subject property and the creation of a statutory right of way in favour of the province can be accommodated without the need to create a new lot.

Local Government:

Regional District of Okanagan-Similkameen (RDOS)

Legal Description of Property:

PID: 015-231-941
District Lot 3473, Similkameen Division Yale District, Plan B1982, EXCEPT (1) Plan 311, (2) Parcel A, Plan A324, (3) Parcel R34, Plan A429, (4) Parcel R32, Plan A544 and Parcel R33, Plan A544, (5) part 15.0 acres more or less shown on Plan DD3810, (6) part 5.05 acres shown on Plan A868, (7) Plan KAP74855

BACKGROUND INFORMATION (continued):

Purchase Date:

Originally purchased by family in 1870 (title not provided)

Location of Property:

39232 Highway 97, Rural Oliver, Electoral Area C.

Size of Property:

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

Present use of the Property:

Alfalfa field, old trail to McIntyre Dam, owner's residence, 2 cabins and storage shed

Surrounding Land Uses:

WEST: undeveloped
SOUTH: undeveloped
EAST: undeveloped nature trust property
NORTH: orchard

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E.023
The majority of the property is identified as having mixed prime and secondary ratings.

Official Community Plan and Designation:

Bylaw #2122, 2002
Designation - agriculture

Zoning Bylaw and Designation:

Bylaw #2123, 2002
Designation - Agriculture 1
Minimum lot size - 4ha

PREVIOUS APPLICATIONS:

Application #32543-0

Applicant: McIntyre Bluff Ranch Ltd
Decision Date: July 19, 1999
Proposal: To exclude 48.5 ha of the property and develop an "eco" golf course.
Decision: Refused due to agricultural capability but allowed exclusion of that portion of the property east of the Highway (32.8 ha).

Application #36800-0

Applicant: McIntyre Bluff Ranch Ltd
Proposal: To subdivide a 28 ha lot (District Lot 3473) into three smaller lots. Lot 1, 2 ha homesite lot; Lot 2, 16.5 ha (comprised of 8.5 ha arable farmland and 8 ha non-arable farmland); Lot 3, 9.5 ha arable farmland lot.
Application put on hold at request of applicants.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

RDOS Board: Forwarded without comment, as per policy.

STAFF COMMENTS:

- It does not appear as though subdivision is necessary to accommodate the agreement between the applicant and the province for an access road to the dam.
- Staff is unclear as to the benefit to agriculture that will be provided by the proposed subdivision.

ATTACHMENTS:

- ALR Base and Constituent Map
- RDOS map showing proposal
- Letter of Intent
- Air photo

END OF REPORT

Signature

Date

