



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 - 37418

Bran Elenko
Urban Connections
P.O. Box 313 - Ste 100 - 8305 - 68th Avenue
Osoyoos, BC V0H 1V0

Dear Mr. Elenko:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 271/2007 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

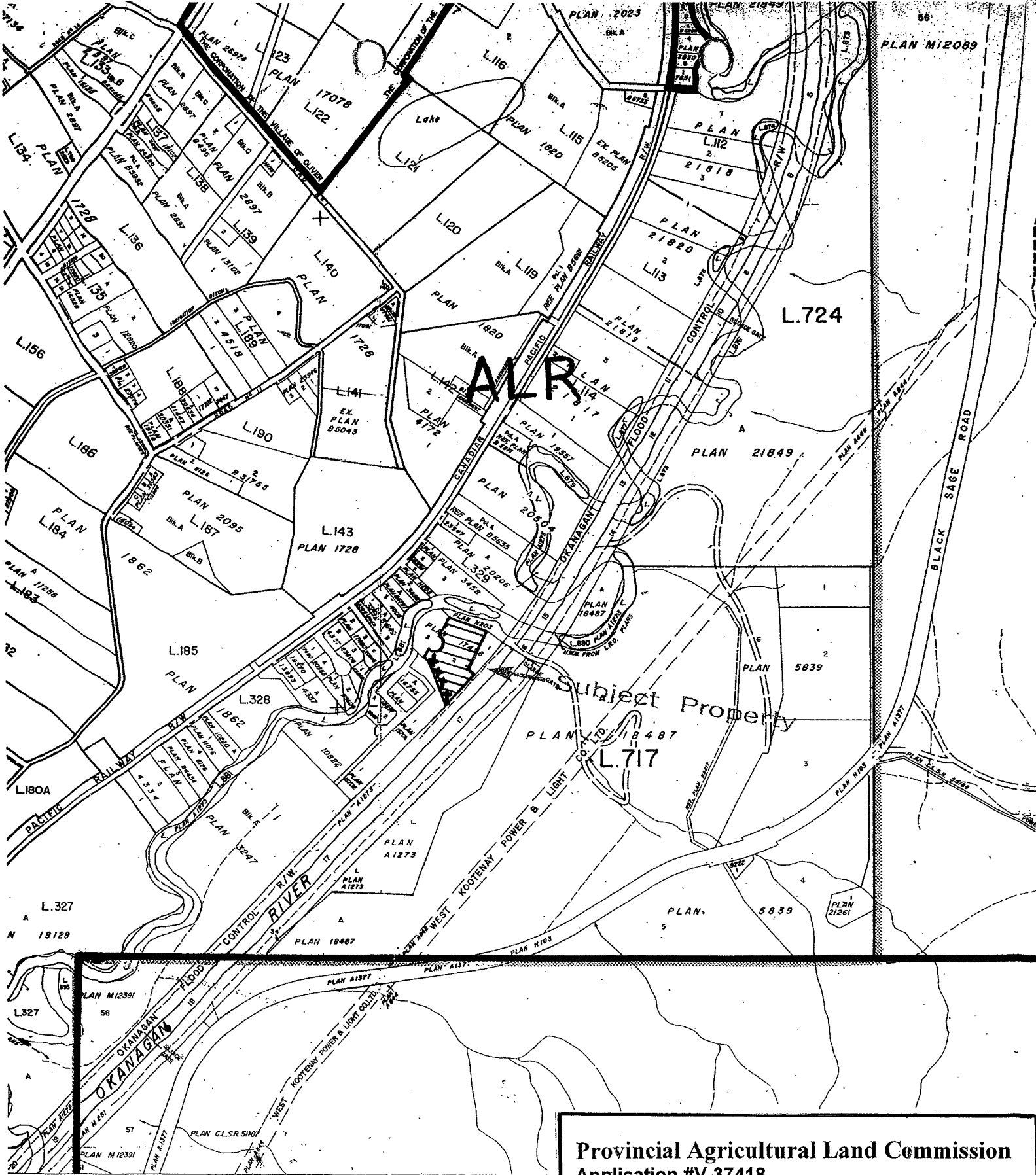
A handwritten signature in black ink, appearing to read 'E. Karlsen', is written over the 'Per:' label. The signature is fluid and cursive.

Erik Karlsen, Chair


cc: Regional District of Okanagan-Similkameen (#C07-06462-005)

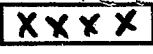
Enclosure: Minutes/Sketch Plan

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Provincial Agricultural Land Commission
 Application #V-37418
 Resolution #271/2007

 1.4 ha area approved for exclusion from the ALR

 Location of fencing

AGRICULTURAL LAND

Scale 1:10 000



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 - 37418
Applicant: 606163 BC Ltd
Agent: Urban Connections
Proposal: To exclude the 1.4 ha subject property in order to facilitate the industrial re-development of the site.
Legal: PID: 001-612-905
Lot 2, District Lot 2450s, Similkameen Division Yale District, Plan 17428
Location: 8927 - 340 Avenue, Rural Oliver

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
- Cal Craik Applicant
- Wally Gartner Applicant
- Brad Elenko Agent

Mr. Elenko confirmed that the staff report dated May 31, 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 2 (prime) with a limitation of excess water. Class 2 land has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both. Despite the prime agricultural capability ratings of the property, the Commission noted during the site inspection that the property had been debilitated by its historic use as the location for a concrete mixing business.

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 believed that the property's historic use as the site of the Oliver Ready-Mix cement business had rendered the land unsuitable for agricultural use. This use pre-dated the ALR (1965).

Assessment of Impact on Agriculture

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land. As the land had been historically compromised, the Commission did not believe that the exclusion of the property from the ALR would negatively impact agriculture on the subject property.

However, as the subject property is surrounded by ALR properties, the Commission also considered the impact its exclusion would have on agriculture on those lands. To the north of the subject property is 340th Avenue and an oxbow, to the east is a small lot that is currently used as a Ready-Mix concrete batching site by Interior Ready-Mix, to the south is a large agricultural parcel (currently vacant), and to the west is an approximately 0.5 ha residential lot. The Commission's main concern was that the exclusion of the property and its future development not impact the agricultural parcel to the south. As such, the Commission would require that the southern boundary of the subject property be fenced prior to its exclusion.

Conclusions

1. That the land under application has limited agricultural capability due to its historic use as the location for a cement business.
2. That the land under application is not suitable for agricultural use.
3. That the proposal will not impact agriculture.

IT WAS

MOVED BY: Commissioner Irvine

SECONDED BY: Commissioner Marshall

THAT the application be approved on the grounds that the land is no longer suitable for agricultural use and the exclusion of the property will not negatively impact surrounding agricultural operations provided fencing along the southern boundary is installed.

AND THAT the approval is subject to the following conditions:

- the construction of a fence along the southern boundary for the purpose of limiting the impact of future activities on the adjacent agricultural property.
- the conditions of exclusion 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 # 271/2007



Staff Report
Application # V – 37418
Applicant: 606163 BC Ltd
Agent: Urban Connections

DATE RECEIVED: May 09, 2007

DATE PREPARED: May 31, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Jennifer Carson, Land Use Planner

PROPOSAL: To exclude the 1.4 ha subject property in order to facilitate the industrial re-development of the site. This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

Local Government:

Regional District of Okanagan-Similkameen

Legal Description of Property:

PID: 001-612-905

Lot 2, District Lot 2450s, Similkameen Division of Yale District, Plan 17428

Purchase Date:

May 1972

Location of Property:

8927 - 340 Avenue, Rural Oliver, located on the south side of 340 Ave (Thorp Road)

Size of Property:

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

Present use of the Property:

Presently used by Okanagan Barrel Works on the northern portion of the property and the southern portion of the property contains aggregate storage pits and aggregate processing. Three buildings are located on the subject property. Larger size building is approximately 12m by 24m and is currently leased to Okanagan Barrel Works as well as two smaller buildings on the north portion of the property; one is used for "toasting" the inside of the oak wine barrels while the other is used as the office for the business.

Surrounding Land Uses:

WEST: Ready-Mix Concrete batching site, by Interior Ready-Mix
SOUTH: Residential
EAST: Vacant
NORTH: 340th Ave

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E.013
The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

Electoral Area "C" Rural Oliver OCP Bylaw No. 2122 (2002)
Designation: Industrial

Zoning Bylaw and Designation:

Electoral Area "C" Rural Oliver Zoning Bylaw No 2123 (2002)
Designation: Industrial Two (I2) Zone

RELEVANT APPLICATIONS:

Application #35122-0

Applicant: Turner, Raymond & Joann
Decision Date: November 27, 2003
Proposal: To exclude two adjoining properties totaling 4.7 ha from the ALR for industrial purposes.
Decision: Allowed subject to the registration of a covenant in the Commission's favor restricting the use of the excluded land to industrial uses.

Application #37149-0

Applicant: Toor, Jagtar and Ajit
Decision Date: March 29, 2007
Proposal: To subdivide and exclude a 1.2 ha area (fronting Highway #97) of the 3.5 ha subject property for church uses.
Decision: Refused on the grounds that the land has agricultural capability.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Okanagan- Similkameen Regional District Board:

The Board has adopted a standing policy to authorize every ALR application to proceed to the Agricultural Land Commission.

Advisory Planning Committee:

Recommends that the ALC should be advised that the proposed exclusion would require an amendment to either the OCP and/or Zoning Bylaws.

STAFF COMMENTS:

It is recommended that the Commission consider the following:

- The report from the applicant and the local government provide a good overview of the background and context of this application.
- The applicant's report also states that Oliver Ready-Mix began operations on the property in 1965.
- The applicant purchased the property in May of 1972 which predates the establishment of the ALR.
- The applicant has indicated that the property is no longer suitable for soil based agriculture.
- According to the Advisory Planning Committee the OCP for the area does not support the removal of land from the ALR in this area.
- All adjacent properties are within the ALR.
- There is a discrepancy between the size of the property. The applicant's report states that the property is 1.4 ha while the local government report states that the property is 1.31 ha.

ATTACHMENTS:

1. Base Map
2. Agricultural Capability Map
3. Excerpt from Urban Connections Report (5 pages)
4. Local Government Staff Report

END OF REPORT

Signature



Date

