



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

August 16, 2007

Reply to the attention of Brandy Ridout
ALC File: # V - 37477

John & Sheila Owens
120 Panorama Ridge
Penticton, BC V2A 8V6

Dear Mr. and Mrs. Owens:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 352/2007 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of Okanagan-Similkameen (H-07-00900-060)

Enclosure: Minutes

BR/lv/37477d1

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 60% Class 4 with limitations of stoniness and soil moisture deficiency and 40% Class 6 with limitations of topography.

Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

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

With regard to limits on agricultural suitability, the Commission noted the relatively small size of the subject property and its location in an area that is mainly ranching and often requires larger parcels. However, the Commission recalled the subdivision history of the 5.1 ha subject property noting that the property was originally part of a 72.8 ha lot which was subdivided along the Princeton-Coalmont Road. The 11 ha lot created by this subdivision was later approved for subdivision into 2 lots. As the subject property is one of those lots, the Commission did not believe that the small size of the subject property could be used as rationale to allow its exclusion and further development.

The Commission assessed whether other factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. It did not believe that there were other factors which would render the property unsuitable for agriculture.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land.

While the Commission had previously allowed the subdivision requests as it did not believe subdivision would have a negative impact on agriculture, it was concerned with exclusion of the subject property. Although the 5.1 ha area has challenges to both capability and suitability, the Commission was concerned about the impact exclusion of the subject property would have on agriculture in the area. Because similarly capable lands exist around the subject property, the Commission was not prepared to allow exclusion of the subject property. In general, it did not support the piecemeal exclusion of properties in this area.

IT WAS

MOVED BY: Commissioner Irvine

SECONDED BY: Commissioner Marshall

THAT the application be refused as proposed

CARRIED

Resolution # 352/2007



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August 15, 2007

Reply to the attention of Brandy Ridout
ALC Files: #V-37473, #V-37279 & #V-37477

Susanne Theurer
Planning Services Manager
Regional District of Okanagan-Similkameen
101 Martin Street
Penticton, BC V2A 5J9

Dear Ms. Theurer:

Re: Agricultural Land Reserve Applications

During its last trip, the Commission dealt with three applications in the Princeton area. Please find the decisions enclosed.

Letters of non-support for the two subdivision applications were received from the Director of Electoral Area 'H'. Issues cited included lot size, neighbourhood characteristics, views, and random development patterns. While the Commission appreciates all comments from local governments, it approved the requested subdivisions as it did not believe that there would be a negative impact on agriculture due to the limited agricultural capability of the soil and the small size of the parcels.

Each decision of the Commission is qualified by the following statement: "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." As such, an application that has been approved by the Commission can be refused by a local government by exercising zoning powers. In addition, at the beginning of the application process, if applications do not meet with planning, local governments are able to not forward them to the Commission.

The Commission welcomes the opportunity to discuss this matter with members of the local government at the next Union of British Columbia Municipalities (UBCM) meeting.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Gerri Logan, Director, Electoral Area 'H',

BR/lv/Enclosure: Minutes
37473d1



Staff Report
Application # V – 37477
Applicant: John & Sheila Owens
Location: rural Princeton

DATE RECEIVED: June 8, 2007

DATE PREPARED: July 9, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To exclude the 5.1 ha subject property in order to facilitate recreational use or to subdivide into parcels ranging in size from 0.4 ha to 1.2 ha.

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The Commission has dealt with several applications on this property. Originally refusing subdivision along the road, the Commission later allowed the subdivision. It also allowed the subdivision of the area west of the road into two smaller lots. The subject property is the larger of the two lots.

Local Government:

Regional District of Okanagan-Similkameen (RDOS)

Legal Description of Property:

PID: 026-540-690
Lot B, District Lot 1133, Yale Division Yale District, Plan KAP79990

Purchase Date:

March 1992

Location of Property:

Coalmont Road, Rural Princeton, Electoral Area "H"

Size of Property:

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

Present use of the Property:

Vacant, not in use

BACKGROUND INFORMATION:

Surrounding Land Uses:

SOUTH: Vacant Land/Coalmont Road
SOUTH: Coalmont Road
NORTH: Vacant Land
NORTH: Rock Bluff, Crown Land

Agricultural Capability:

Data Source: Agricultural Capability Map # 92H/7
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

Electoral Area "H", Princeton Rural RLUB, Bylaw No. 1725 (1997)
Designation: Large Holdings (LH)

Zoning Bylaw and Designation:

Zoning: N/A
Designation: N/A
Minimum Lot Size: 4 ha

PREVIOUS APPLICATIONS:

Application #27338-0

Applicant: John & Sheila Owens
Decision Date: April 8, 1993
Proposal: To subdivide the eastern 40 ha of the 72.8 ha property into eight 2.0 ha lots.
Decision: Refused due to impact on agriculture.

Application #27338-1

Applicant: John & Sheila Owens
Decision Date: March 29, 1995
Proposal: To subdivide an approximately 11 ha parcel of land located to the west of the Princeton-Coalmont Road.
Decision: Reconfirmed the decision to refuse the application on the grounds that: 1) this is a ranching area and while the land is rough it is grazing land. 2) the property is of a similar size to other properties in the area. 3) the road is a minor, secondary route and is no obstacle to the farm use of the property. 4) while in application #V-29155 a subdivision was finally permitted using the road as the dividing line, the road also separated the residential uses from the surrounding farmland which is not the case in this application.

Application #33899-0

Applicant: John & Sheila Owens
Decision Date: September 25, 2001
Proposal: To subdivide a 72.8 ha ALR property into two lots of approximately 11 ha and 61.8 ha along the Princeton-Coalmont Road, which is a paved secondary highway.
Decision: Allowed on the grounds that the property had limited agricultural capability.

Application #35772-0

Applicant: John & Sheila Owens
Decision Date: April 27, 2005
Proposal: To subdivide the 9 ha property into two lots - 4.7 ha and 4.3 ha.
Decision: Approved on the grounds that it would have no negative impact on agriculture.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

RDOS Board: No comments or recommendations, as per policy.

RDOS Planning Services: Has concerns with the proposal primarily in the context of introducing increased density in this rural area. Additionally, if a land use designation amendment application were submitted, there would be concerns about potentially impacting the larger agricultural corridor and setting a precedent for increased density in the area.

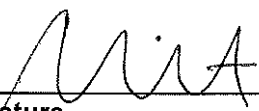
STAFF COMMENTS:

- The subject property is surrounded by ALR lands, all of which share similar soils and topographical features.
- Increased density, either recreational or residential, in the area could have a negative impact on possible ranching activity.

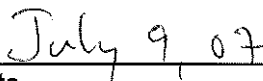
ATTACHMENTS:

- ALR Base Map (1:50,000)
- ALR Constituent Map (1:10,000)
- Letter from applicant
- Air photo

END OF REPORT



Signature



Date

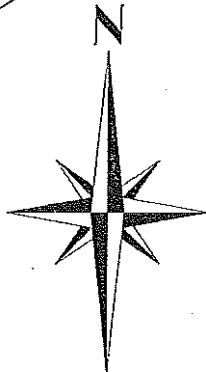
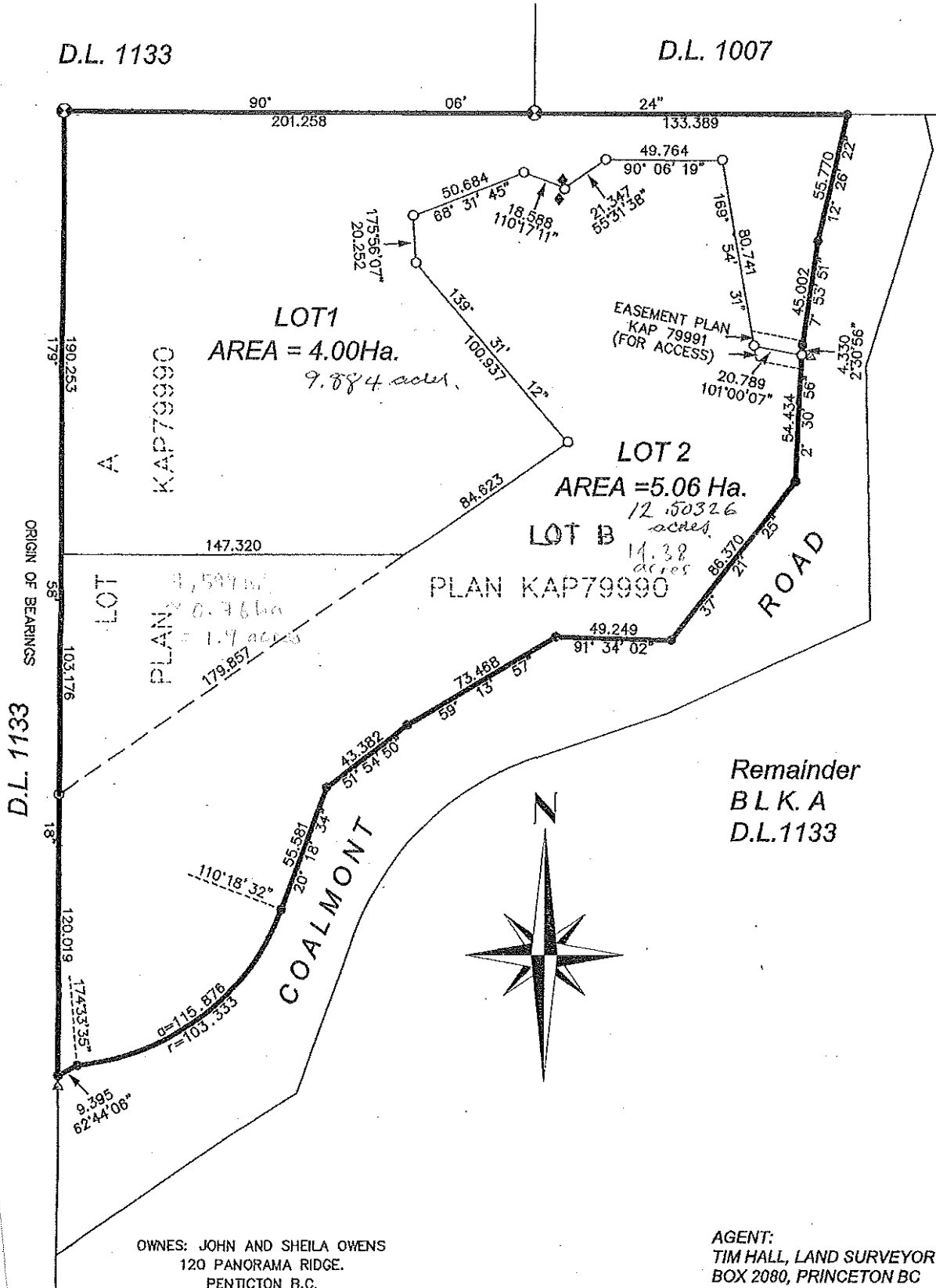
PLAN SHOWING PROPOSED SUBDIVISION OF LOTS A AND B, DISTRICT LOT 1133, Y.D.Y.D.,

PLAN KAP 79990 DATED 12TH MARCH 2007.

PURSUANT TO SECTIONS 10 AND 11 OF THE AGRICULTURAL LAND RESERVE USE, SUBDIVISION AND PROCEEDURE REGULATION. BOUNDARY SHIFT. ZONING LH Δ DENOTES 4FT PICKET SET.

SCALE 1:2000

SCALE 1:2000



OWNES: JOHN AND SHEILA OWENS
120 PANORAMA RIDGE.
PENTICTON B.C.
V2A8V6
PHONE/FAX (250)4902096

AGENT:
TIM HALL, LAND SURVEYOR
BOX 2080, PRINCETON BC
V0X 1W0
PHONE/FAX; (250)2956761
Job No. 2560