



Agricultural Land Commission
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September 28, 2007

Reply to the attention of Brandy Ridout
ALC File: # T - 37524

Gary and Rosine Ryan-Lewis
4799 McLeery Road
Armstrong, BC V0E 1B3

Dear Mr. and Mrs. Ryan-Lewis:

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

Please find attached the Minutes of Resolution # 470/2007 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', written over a white background.

Erik Karlsen, Chair

cc: Township of Spallumcheen (07-0227-SPL-ALR)

Enclosure: Minutes

BR/lv
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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 20, 2007 in Oliver, BC.

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

For Consideration

Application: # T - 37524
Applicant: Gary and Rosine Ryan-Lewis
Proposal: To construct a second dwelling for farm help.
Legal: PID: 006-118-241
Lot 2, Section 22, Township 35, Kamloops Division Yale District, Plan 24153
Location: 4799 McLeery Road, Armstrong

Site Inspection

A site inspection was conducted on September 19, 2007. Those in attendance were:

- Sue Irvine Chair, Okanagan Panel
- Sid Sidhu Commissioner
- Monika Marshall Commissioner
- Brandy Ridout Staff
- Martin Collins Staff
- Gary Ryan-Lewis Applicant

Mr. Ryan-Lewis confirmed that the staff report dated September 6, 2007 was received and no errors were identified.

The Commission viewed the location of the existing house and the proposed location for the new dwelling.

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 60% Class 3 and 40% Class 4, both with limitations of topography.

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

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

Assessment of Agricultural Suitability

The Commission assessed whether the factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for 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. Additional dwellings on agricultural land remove land from potential agricultural production; increase the re-sale value of the property (making it more difficult for farmers to purchase properties); potentially introduce non-farmers into agricultural areas; and increase the desire to subdivide the property. As such, the Commission has strong concerns with additional dwellings on properties in the Agricultural Land Reserve (ALR).

In this case, the retention of the older dwelling on the property was requested for use by a relative to assist with operation of the farm. During the site visit, the agricultural activity on the property was discussed and it was indicated by the applicant that a total of 10 Black Angus cattle would be kept on the property. At calving time, that number would increase to 20 (cow and calf pairs). The Commission concluded that the level of agricultural activity on the property did not warrant the construction of an additional permanent dwelling.

However, the Commission wished to point out to the applicant that the temporary placement of a manufactured home, up to 9 metres in width, for use by a member of the owner's immediate family is permitted under Section 3(1)(b) of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*.

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 have a negative impact on agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Sidhu

SECONDED BY: Commissioner Irvine

THAT the application be refused on the grounds that the level of agricultural activity on the property does not warrant an additional dwelling for farm help.

CARRIED

Resolution # 470/2007



Staff Report
Application # T – 37524
Applicant: Gary and Rosine Ryan-Lewis
Location: Spallumcheen

DATE RECEIVED: June 27, 2007

DATE PREPARED: September 6, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To construct a second dwelling for farm help.

This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The applicants have recently purchased 10 purebred registered Black Angus cattle to breed and raise stock.

Local Government:

Township of Spallumcheen

Legal Description of Property:

PID: 006-118-241

Lot 2, Section 22, Township 35, Kamloops Division Yale District, Plan 24153

Purchase Date:

November 2004

Location of Property:

4799 McLeery Road, Spallumcheen

Size of Property:

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

Present use of the Property:

Large barn, two (2) chicken houses and neighbour has been cutting two (2) crops of hay a year.

BACKGROUND INFORMATION (continued):

Agricultural Capability:

Data Source: Agricultural Capability Map # 82L.045
The majority of the property is identified as having Prime Dominant ratings.

Surrounding Land Uses:

WEST: Hay Field
SOUTH: Hay and Bus Repair
EAST: Hay and Agricultural Equipment
NORTH: Hay Field

Official Community Plan and Designation:

Township of Spallumcheen OCP Bylaw No. 1570 (2004)
Designation: Agriculture

Zoning Bylaw and Designation:

Township of Spallumcheen Zoning Bylaw No. 1449 (1999)
Designation: (A-2)
Minimum Lot Size: 30.5 ha

RELEVANT APPLICATIONS:

Application #37416-0

Applicant: Richard and Linda Lamberton
Decision Date: July 20, 2007
Proposal: To retain the existing 74.3 m² single family dwelling and construct a new 292 m² single family residence and provide a secondary suite for a family member.
Decision: Refused on the grounds that the farming operation does not require an additional dwelling for farm help.

Application #37490-0

Applicant: Dale and Laurie Myers
Decision Date: July 20, 2007
Proposal: To construct a second dwelling on the northeast corner of the 16.9 ha subject property for the applicants' parents.
Decision: Refused as proposed. However, the Commission would allow the construction of a second dwelling on the property subject to the following conditions:
(1) The location of the second dwelling on the southeast corner of the property (within 25 metres of the existing dwelling).
(2) The registration of a "no additional dwellings" covenant in the Commission's favour.
(3) The registration of a "no future subdivision" covenant, as required by the Township of Spallumcheen. The Commission must also be a transferee on the covenant.
(4) The submission of a \$5,000 letter of credit to ensure that the existing house is eventually decommissioned.

Application #37491-0

Applicant: Albert and Rhodena Finlay
Decision Date: July 20, 2007
Proposal: To construct a second dwelling on the subject property for farm help.
Decision: Allowed on the grounds that the Commission believed the scale of the operation warranted an additional dwelling for farm help.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Township of Spallumcheen Council: Forwarded the application with a recommendation that the applicant be required to register a covenant restricting future subdivision of the subject property and requiring hook up to the Stepney Water District prior to a building permit being issued for the secondary residence.

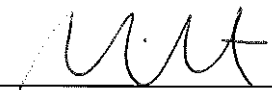
STAFF COMMENTS:

- As the additional dwelling is being requested for farm help, a site visit and discussion with the applicants may assist the Commission in determining if the level of farm activity warrants an additional dwelling.
- Details of the proposed dwelling have not been given (i.e. square footage) beyond its proposed location and that it will be constructed with a 5 foot crawl space.
- The applicants have proposed to move the existing dwelling to the centre of the farm. The Commission may wish to consider how this placement will impact the use of the property for agriculture.

ATTACHMENTS:

- ALR Base Map (1:50,000)
- Air photo (1:5,000)
- Sketch of proposal

END OF REPORT



Signature

Sept 17, 07

Date