



**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

September 28, 2007

Reply to the attention of Brandy Ridout  
ALC File: # T - 37572

Fred & Diane Findlay  
1493 Otter Lake Road  
Armstrong, BC V0E 1B5

Dear Mr. and Mrs. Findlay:

Re: Application to construct a second dwelling in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 473/2007 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

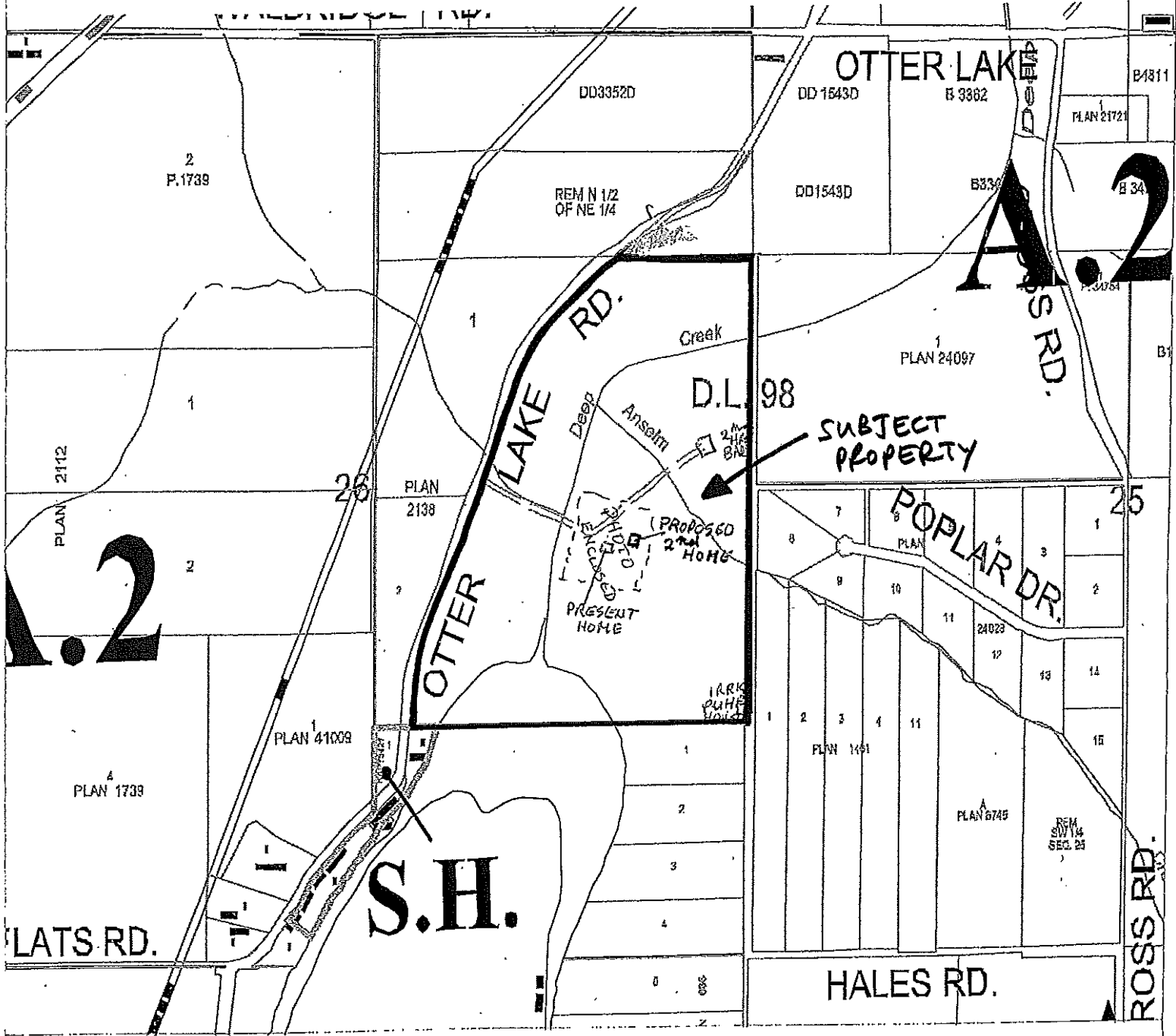
A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a white background.

Erik Karlsen, Chair

cc: Township of Spallumcheen (07-0288-SPL-ALR)

Enclosure: Minutes/Sketch Plan

BR/lv  
37572d1



[www.nord.ca/communities/spallumcheen/images/zoning\\_map.dwf](http://www.nord.ca/communities/spallumcheen/images/zoning_map.dwf)

Provincial Agricultural Land Commission  
 Application #T-37572  
 Resolution #473/2007



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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

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

### For Consideration

Application: # T - 37572  
Applicant: Fred & Diane Findlay  
Proposal: Non-farm use for a Relative: To construct a second dwelling on the property for the owner's son who is assisting with the operation and management of the farm.  
Legal: PID: 011-772-336  
District Lot 98, Kamloops Division Yale District, EXCEPT Plans 2138, B5036, 24097 and KAP73712  
Location: 1493 Otter Lake Road, Armstrong

### Site Inspection

A site inspection was conducted on September 18, 2007. Those in attendance were:

- Sue Irvine Chair, Okanagan Panel
- Sid Sidhu Commissioner
- Monika Marshall Commissioner
- Brandy Ridout Staff
- Martin Collins Staff
- Fred Findlay Applicant
- Neil Findlay Applicant's son

Mr. Findlay confirmed that the staff report dated August 15, 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 majority of the soil of the subject property is 70% Class 3 with a limitation of excess water and 30% Class 3 organic with limitations of excess water and degree of decomposition - permeability. Class 3 land has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

### **Assessment of Agricultural Suitability**

The Commission assessed whether 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).

During the site visit, the agricultural activity on the property was discussed. It was indicated by the applicant that he has managed a beef breeding herd operation for the last 35 years with 45 to 65 cattle. The applicants' son is part owner of the cattle herd and will engage in the active operation and management of the farm if approval is granted for the second dwelling.

The Commission concluded that the level of agricultural activity on the property warrants the construction of an additional permanent dwelling.

### **Assessment of Other Factors**

It was noted that the applicants may qualify for a subdivision under the *Homesite Severance Policy* as they had owned and lived on the property since before December 21, 1972. Because of the Commission's concerns about second dwellings, it believed that it might be beneficial to the farm for the applicants to consider pursuing a subdivision under the *Policy* instead of constructing a second dwelling. The Commission recognized the applicants' concerns about what would be best for the farm and wished to indicate that while it may be unsuitable to subdivide the original homesite as it is in the centre of the property, the subdivision a 0.2 ha lot in an alternate location (i.e. along Otter Lake Road) may have a less negative impact on the farming operation.

**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 level of agricultural activity on the property warrants the construction of an additional permanent dwelling.

**IT WAS**

**MOVED BY:** Commissioner Marshall

**SECONDED BY:** Commissioner Irvine

THAT the application be approved on the grounds that the level of farm activity warrants an additional dwelling.

AND THAT the approval is subject to the following conditions:

- The additional dwelling be located approximately in the location indicated on the plan submitted with the application.
- It must be acted upon 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 # 473/2007**



**Staff Report**  
**Application # T – 37572**  
**Applicant: Fred & Diane Findlay**  
**Location: Spallumcheen**

**DATE RECEIVED:** July 26, 2007

**DATE PREPARED:** August 15, 2007

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

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

**PROPOSAL:** To construct a second dwelling on the property for the owner's son who is assisting with the operation and management of the farm.

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

**BACKGROUND INFORMATION:**

The declining health of the landowners make it imperative that their son lives on the property so that the cattle breeding operation can continue.

**Local Government:**

Township of Spallumcheen

**Legal Description of Property:**

PID: 011-772-336  
District Lot 98, KDYD, EXCEPT Plans 2138, B5036, 24097 and KAP73712

**Purchase Date:**

September 1972

**Location of Property:**

1493 Otter Lake Road, Armstrong

**Size of Property:**

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

**Present use of the Property:**

Residence, two large hay barns, small calving barn, several cattle shelters, three portable calf shelters, irrigation pump house.

**BACKGROUND INFORMATION (continued):**

**Surrounding Land Uses:**

**WEST:** Smaller, upland rural residential properties in the ALR  
**EAST:** Farm properties in the ALR  
**NORTH:** Farm properties in the ALR  
**SOUTH:** Otter Lake

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82L.044  
The majority of the property is identified as having prime dominant ratings.

**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: A2 MLS: 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.

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**Application #37490-0**

**Applicant:** Dale and Laurie Myers  
**Decision Date:** July 20, 2007  
**Proposal:** Non-farm use 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.

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**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 that due to the scale of the operation, it was appropriate that the farm have an additional dwelling for farm help.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**The Township of Spallumcheen:** Forwarded the application without comment.

**STAFF COMMENTS:**

Staff recommends that the Commission consider the following:

- The proposed new home lies adjacent to the existing home in the centre of the property (limiting future subdivision potential)
- The landowners are elderly and require assistance on the cattle breeding operation.
- There is currently only one home on the property.

**ATTACHMENTS:**

- 1:20,000 scale ALR map
- Air photo
- Applicant's sketch plan

**END OF REPORT**

\_\_\_\_\_  
Signature

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Date

Sept 10, 07