



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

March 31, 2008

Reply to the attention of Brandy Ridout
ALC File: #H-37713

Carmen & Kimberly Levesque
1950 White Lake Road
Tappen, BC V0E2X0

Dear Mr. and Mrs. Levesque:

Re: Application to subdivide in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #80/2008 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 be 'Erik Karlsen', written over a light blue horizontal line.

Erik Karlsen, Chair

cc: Columbia Shuswap Regional District (LC2367-C)

Enclosure: Minutes

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 6, 2008 in Vernon, BC.

PRESENT: Sue Irvine Chair, Okanagan Panel
Sid Sidhu Commissioner
Roger Mayer Commissioner
Brandy Ridout Staff

For Consideration

Application: #H- 37713
Applicant: Carmen & Kimberly Levesque
Agent: Bob Holtby
Proposal: To subdivide the 46 ha parcel into two 23 ha lots.
Legal: PID: 014-266-792
SW ¼, Section 3, Township 22, Range 10, W6M, Kamloops Division
Yale District, EXCEPT Plans 22086, KAP48701 and KAP80551
Location: 1950 White Lake Road

Site Inspection

A site inspection was conducted on March 6, 2008. Those in attendance were:

- Sue Irvine Chair, Okanagan Panel
- Sid Sidhu Commissioner
- Roger Mayer Commissioner
- Brandy Ridout Staff
- Carmen & Kimberly Levesque Applicants
- Bob Holtby Agent

Mr. Holtby confirmed that the staff report dated January 3, 2008 was received and no errors were identified. A supplement was provided by the applicants that outlined the proposal and benefits to the ALR, discussed the possibility of implementing covenants, and included an air photo.

Matters discussed included the history of agriculture in the area, current use of the property, existing terrain, the subdivision proposal, vineyard development, and water availability.

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 eastern half of the subject property is Class 7TC. The remaining half is predominantly 50% Class 6PT, 30% Class 7TR, and 20% Class 5MT, with a strip along the highway of Class 2D.

- Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.
- Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.
- Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.
- Class 7 – Land in this class has no capability for arable or sustained natural grazing

Subclasses

- M soil moisture deficiency
- C adverse climate
- P stoniness
- D undesirable soil structure
- R shallow soil / bedrock outcroppings
- T topography

Mr. Holtby notes that it would appear that the land on which the applicants wish to establish a vineyard would be suitable for that purpose.

Assessment of Agricultural Suitability

The Commission assessed whether factors have caused or will cause the land to become unsuitable for agriculture. It noted that the 46 ha subject property had originally included pasture areas lying across White Lake Road. Although the property may have become less suitable to some forms of agriculture because of the loss of pasture areas, the Commission believes the property is still suitable 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. It recalled that the applicants' request for subdivision was to allow them to develop a vineyard/berry patch on a portion of one of the proposed 23 ha lots and sell the other 23 ha lot. After considering all the file material, the Commission was not convinced that both 23 ha lots could exist as stand-alone agricultural operations and thus does not believe the proposed subdivision is in the best interest of agriculture.

However, the Commission may be prepared to reconsider the proposal upon the submission of a business plan that explains the need for subdivision in the context of the proposed agricultural development. This plan should also include an analysis of

subdivision in terms of agricultural use (i.e. why the proposed subdivision divides the hayfield) and consider alternatives. The Commission's position in this regard is subject to the submission of a business plan within 6 months of the date of this decision. If a business plan is not submitted, the Commission will consider the file closed.

IT WAS

MOVED BY: Commissioner Mayer

SECONDED BY: Commissioner Sidhu

THAT the application to subdivide the 46 ha parcel into two 23 ha lots be refused.

AND THAT the Commission will reconsider its decision upon receipt of a business plan if the plan is received within 6 months of 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 #80/2008