



Agricultural Land Commission
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December 18, 2007

Reply to the attention of Martin Collins
ALC File: G-37746

Gabriele Jackel
14551 Oyama Road
Oyama, BC
V4V2C7

Dear Madam:

Re: Application to Subdivide Land within the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 661/2007 outlining the Commission's decision as it relates to the above noted application. A map depicting the Commission's decision is also attached.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that the plan is consistent with its decision, it will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Martin Collins', is written over a horizontal line.

Erik Karlsen, Chair

cc: District of Lake Country (ALR2006-007)

Enclosure: Minutes/Sketch Plan

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 considered the agricultural capability of the 0.5 ha area proposed for subdivision. It noted that only a triangular 0.2 ha area of the proposed 0.5 ha lot had capacity for agricultural production due to the steep slopes, existing house site and access. The soil capability ratings confirm that the land can be used for tree fruit production. The remainder of the property has been in orchard production, and is to be replanted by a lessee.

Assessment of Agricultural Suitability

The Commission assessed whether the external 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 external 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. The Commission noted that the landowner qualified for consideration under the *Homesite Severance Policy*. The applicant confirmed that she understood that she qualified for consideration under the *policy*. She also indicated that should the Commission allow the current subdivision request, she understood (and accepted) that the Commission might consider the subdivision as fulfilling the intent of the *policy*, and that no further consideration might be provided under the *policy*.

Assessment of Other Factors

The Commission noted that the existing primary home was awkwardly located from an agricultural perspective, particularly if proposed for subdivision under the *Homesite Severance Policy*. Therefore the Commission was prepared to allow the proposed subdivision, but indicate that the subdivision fulfills the intent of the *Homesite Severance Policy*, and that no further consideration would be provided as per the *policy*.

The Commission also considered the issue of fencing and buffering. The Commission noted the District's buffering suggestions, but did not concur that vegetative buffering was necessary. Substantial topographic breaks, driveways/parking areas and existing natural hedgerow vegetation provides suitable buffering between the residence and the farm remnant. The Commission did not believe the construction of fencing is necessary for similar reasons.

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 not negatively affect the agricultural suitability of the land.
4. That the subdivision proposal is consistent with the intent of *Homesite Severance Policy*.

IT WAS

MOVED BY: Commissioner S. Irvine

SECONDED BY: Commissioner R. Mayer

THAT the application to subdivide a 0.5 ha lot from the 5.3 ha property lot be allowed.

AND THAT the approval is subject to the following conditions:

- no further consideration will be provided as per *Homesite Severance Policy*.
- the subdivision must be completed within three (3) years from the date of this decision.
- approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.

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 # 661/2007

LOCATION MAP



APPLICATION G-37746
RESOLUTION #661-2007