



Agricultural Land Commission
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May 16, 2008

Reply to the attention of Brandy Ridout
ALC File: **T-37866**

Roxanne and Wayne Lindley
751 Sugar Lake Road
Cherryville, BC V0E 2G2

Dear Mr. and Mrs. Lindley:

Re: Application to subdivide in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #220/2008 outlining the Commission's decision as it relates to the above noted application.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

cc: Regional District of North Okanagan (07-0403-E-ALR)

Enclosure: Minutes/Sketch Plan

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 9, 2008 at the Ministry of Agriculture and Lands Office located at 4607- 23rd Street, Vernon, BC.

PRESENT:

Roger Mayer	Chair, Okanagan Panel
Sid Sidhu	Commissioner
Gerald Zimmermann	Commissioner
Brandy Ridout	Staff
Martin Collins	Staff

For Consideration

Application: # T- 37866
Applicant: Roxanne and Wayne Lindley
Proposal: To undertake a boundary adjustment between two existing properties (0.6 ha and 59 ha) to create a 7.6 ha parcel and a 52 ha parcel as divided by Sugar Lake Road.
Legal: 1. PID: 010-394-702
Lot 1, District Lot 1659 and 3855, Osoyoos Division Yale District, Plan 4996
2. PID: 011-738-197
District Lot 1659, Osoyoos Division Yale District, EXCEPT Plan 4996
Location: 751 Sugar Lake Road, Lumby

Site Inspection

A site inspection was conducted on May 8, 2008. Those in attendance were:

- Roger Mayer Chair, Okanagan Panel
- Sid Sidhu Commissioner
- Gerald Zimmermann Commissioner
- Brandy Ridout Staff
- Martin Collins Staff
- Roxanne and Wayne Lindley Applicants

Mr. Lindley confirmed that the staff report dated April 23, 2008 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

The Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, indicates that the agricultural capability of the soil of the subject property is 60% Class 3PT and 40% Class 5TP.

Classes:

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately 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.

Subclasses:

P stoniness

T topography

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 consider the road as an impediment to farming the property as a single unit.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long-term goal of preserving agricultural land. It noted that the 0.6 ha lot had legal access and could be developed as a residential lot. It believed that it would be more beneficial to agriculture to allow the subdivision as proposed to facilitate the agricultural use of the proposed 7.6 ha lot rather than have a residential lot in a farming area.

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 have a negative impact on agriculture as it will remove the possibility of the creation of a residential lot in a farming area and create a parcel that will be of a suitable size to use for agriculture.

IT WAS

MOVED BY: Commissioner Sidhu

SECONDED BY: Commissioner Mayer

THAT the application to undertake a boundary adjustment between two existing properties (0.6 ha and 59 ha) to create a 7.6 ha parcel and a 52 ha parcel as divided by Sugar Lake Road be approved.

AND THAT the approval is subject to the following conditions:

- The subdivision be in substantial compliance with the plan submitted with the application.
- The subdivision must be completed 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 #220/2008

D.L. 4293

SHUSWA
PLAN 4996

3
4996

6
PLAN 23446
7

LOT 1
± 7.7 ha

LOT 2
D.L. 1659
± 52 ha

(± 2 ha) 7
Part of Lot #2
Road J

D.L. 1661

1
P.28633

A12187

Provincial Agricultural Land Commission

Application #T-37866

Resolution #220/2008



Subject properties



Approved boundary adjustment in the ALR