



Agricultural Land Commission
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October 29, 2008

Reply to the attention of Brandy Ridout
ALC File: **V-38394**

Rudolph and Celia Harfman
RR1 - Site 22 - Comp 12 - 33207 - 91 Street
Oliver, BC V0H1T0

Dear Mr. and Mrs. Harfman:

Re: Application to Subdivide Land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #637/2008 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

Enclosure: Minutes

cc: Regional District of Okanagan-Similkameen (C-08-05778-000)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 8, 2008 at the Keremeos Municipal Hall located at 702-4th Street, Keremeos, BC.

PRESENT:	Roger Mayer	Chair, Okanagan Panel
	Sid Sidhu	Commissioner
	Gerald Zimmermann	Commissioner
	Brandy Ridout	Staff

For Consideration

Application: # V- 38394
Applicant: Rudolph and Celia Harfman
Proposal: To subdivide two 4 ha lots from the 30.6 ha subject property.
Legal: PID: 008-128-596
Lot A, District Lot 2450s, Similkameen Division Yale District, Plan 19129
Location: 33207 Sawmill Road, Oliver

Site Inspection

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

- Roger Mayer Chair, Okanagan Panel
- Sid Sidhu Commissioner
- Gerald Zimmermann Commissioner
- Rudolph Harfman Applicant

Mr. Harfman confirmed that the staff report dated September 29, 2008 was received and no errors were identified. The Commission noted that the water table on the property was high and that it was being used for hay production.

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 agricultural capability of the soil of the subject property is predominantly Class 2 with a limitation of excess water. Class 2 land has minor limitations that require good ongoing management practices or slightly 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. It believed the property is better suited for agricultural production in its present size. As such, it believed that the proposal would have a negative impact on existing or potential agricultural use of the subject property.

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.

IT WAS

MOVED BY: Commissioner Zimmermann
SECONDED BY: Commissioner Mayer

THAT the application to subdivide two 4 ha lots from the 30.6 ha subject property be refused.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- S.33 (1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that*
- (a) evidence not available at the time of the original decision has become available,*
 - (b) all or part of the original decision was based on evidence that was in error or was false.*
- (2) The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

CARRIED
Resolution #637/2008