



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

November 5, 2008

Reply to the attention of Brandy Ridout
ALC File: T-38495

Bill Ross
PO Box 1199
Oliver, BC V0H1T0

Dear Mr. Ross:

Re: Application to Subdivide Land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #684/2008 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a light blue horizontal line.

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: Regional District of North Okanagan (C08-02495-500)

BR
i/38495d1



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: #T-38495
 Applicant: Raymond Stewart
 Agent: Bill Ross
 Proposal: To subdivide the 62 ha subject property into two lots along White Lake Road - 21.5 ha and 40.5 ha.
 Legal: PID: 017-413-851
 Lot 1, District Lot 284, Similkameen Division Yale District, Plan KAP45431
 Location: 40524 Fairview White Lake Road, Rural Oliver

Site Inspection

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

- Roger Mayer Chair, Okanagan Panel
- Sid Sidhu Commissioner
- Gerald Zimmermann Commissioner
- Brandy Ridout Staff
- Bill Ross Agent

Mr. Ross confirmed that the staff report dated October 3, 2008 was received and no errors were identified.

The Commissioners viewed the property along both sides of the road and discussed the proposal, the reason for the current proposal, the history of the area, and the challenges to agriculture presented by some of the steep slopes on the property.

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 approximately one third 70% Class 4NW and 30% Class 3M, one third 80% Class 6T and 20% Class 5T, and one third 70% Class 6TR and 30% Class 7RT. Although portions of the property are quite steep, the Commission believed that the majority of the property was capable from an agricultural perspective (i.e. grazing).

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 4 – Land in this class has limitations that require special management practices or severely 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
- N salinity
- R shallow soil / bedrock outcroppings
- T topography
- W excess water

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. Despite the fact that the property is divided by White Lake Road, the Commission believes the property could be farmed as a 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 recalled that in 1990 the property was part of a larger property (97 ha) which the applicants applied to subdivide into one lot of 37 ha and one lot of 60 ha in order to facilitate the development of a ranching operation on the northern 60 ha portion. The application was allowed subject to future farm and residential buildings being constructed on the less capable land. The subject property is the 62 ha northern lot that was created by that subdivision.

The Commission also recalled that it previously refused the request to subdivide the 62 ha subject property into two lots along White Lake Road, reconsidered the request and reconfirmed its decision, and then refused a second reconsideration request as it did not believe new information had been presented. The reason for the refusal was that it felt that the proposed reduction in property size would not be in the best interest of agriculture as it would significantly reduce the farmable area, compromising the agricultural potential of the property. At that time it was indicated that as the

Commission was of the opinion that larger parcels of land maintain a greater range of agricultural options than do smaller ones, it endeavours to preserve existing property sizes in Agricultural Land Reserves wherever possible.

The Commission reviewed the current proposal, noting that the request was being made to allow the construction of a new house on the parcel to the east of the road to accommodate Mrs. Stewart as she is no longer able to navigate stairs due to an accident. It was also indicated that Mr. Stewart's son would come and live on the proposed lot west of the road to operate the farm.

While the Commission was sympathetic to the concerns of the applicants, it did not believe that subdivision was in the best interest of agriculture.

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 impact agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Zimmermann

SECONDED BY: Commissioner Sidhu

THAT the application to subdivide the 62 ha subject property into two lots along White Lake Road - 21.5 ha and 40.5 ha 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 # 684/2008