



Agricultural Land Commission
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July 9, 2009

Reply to the attention of Brandy Ridout
ALC File: T-38976 (45948)

Bob Holtby, P. Ag.
2533 Copper Ridge Drive
Westbank, B.C.
V4T 2X5

Dear Sir:

Re: Application to subdivide land within the Agricultural Land Reserve

Please find attached the Minutes of Resolution #381/2009 and a sketch plan outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

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.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a white background.

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: Regional District of North Okanagan (08-0730-F-ALR)

BR//38976d1



A meeting was held by the Provincial Agricultural Land Commission on June 17, 2009 at the Ministry of Agriculture and Lands office, located at 4607 - 23rd St, Vernon, BC.

PRESENT:	Roger Mayer	Chair, Okanagan Panel
	Sid Sidhu	Commissioner
	Gordon Gillette	Commissioner
	Brandy Ridout	Staff

For Consideration

Application: T-38976 (45948)
 Applicant: Agnes and Norman Cleaver
 Agent: Bob Holtby
 Proposal: To subdivide the 6.2 ha property into two lots of roughly equal size.
 Legal: PID 006-213-286 Lot 2, Sec. 24, Twp. 18, R. 8, W6M, YDYD, Plan 23831
 Location: Trinity Valley Road, East of Enderby

Site Inspection

A site inspection was conducted on Tuesday June 16th, 2009. Those in attendance were:

- Commissioners and staff noted above
- Bob Holtby Agent
- Norm and Curtis Cleaver Applicants
- H. Halverson Electoral Area Director

B. Holtby confirmed that the staff report dated June 4, 2009 was received and no errors were identified.

The Commissioners viewed the property with the applicants, noting that the land had challenges to agricultural production due to severe topography and stony soils. The property was not developed for agriculture. The subdivision proposed to place the two existing homes each on their own property.

During the on-site discussion the Commission suggested that a natural ridge which divides the property might prove to be a suitable subdivision boundary, rather than the proposed boundary. The applicants were receptive to an amended subdivision proposal.

A revised alignment was received on June 29th, 2009 from Bob Holtby which showed the subdivision following the ridge (running diagonally from SE to NW).

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.

The agricultural capability of the majority of the soil of the subject property is rated as 7:5TP, 3: 4PT. A very small portion in the southeast corner is Class 7.

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 7 – Land in this class has no capability for arable or sustained natural grazing

The limiting subclasses are topography (T) and stoniness (P).

The Commission considered the 6.2 ha property to have limited capability for agricultural development based on the CLI mapping and the site visit.

Assessment of Agricultural Suitability

The Commission assessed whether external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does 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 recalled that it had previously refused (in 1994) the subdivision of the subject property because it did not want to increase the residential density of this agricultural area. However, the site visit confirmed that the addition of a single rural residential lot (as per a revised boundary) would be well buffered by the road, forested land and topography. Furthermore the residential density would not change because two homes currently exist on the property (as permitted by the Commission as per Resolution # 905/1995). The Commission believed that to ensure that the residential density did not increase, that a covenant be registered against the title of the new lot and the remainder restricting them to a single residence. In addition the current approval for a second dwelling on the remainder is rescinded.

Conclusions

1. That the land under application has limited agricultural capability
2. That the subdivision proposal will not substantively impact agriculture.
3. The registration of covenants restricting residences on each parcel to a single home will ensure that residential densities do not increase.

IT WAS

MOVED BY: Commissioner R. Mayer
SECONDED BY: Commissioner G. Gillette

THAT the application to subdivide the 6.2 ha property into two lots be refused as proposed.

However, the Commission allowed the subdivision of a 1.5 ha lot from the 6.2 ha property subject to the following conditions:

- the subdivision be in substantial compliance with the revised plan submitted June 29th by Bob Holtby
- The registration of covenants against the titles of the new lot and the remainder restricting each parcel to a single residence.
- The rescission of Resolution # 905/1995 permitting a second dwelling on the subject property and the removal of the second dwelling.
- 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. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED

Resolution # 381/2007



ALR APPLICATION # T-38976
RESOLUTION # 381/2009
APPROVED SUBDIVISION