



**Agricultural Land Commission**  
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September 25, 2009

Reply to the attention of Brandy Ridout  
ALC File: #V-39036

Spencer & Zola Goebel and Shirley Dixon  
800 Highway 3A  
Keremeos, BC - V0X1N2

Dear Mr. and Mrs. Goebel and Ms. Dixon:

**Re: Application to Subdivide Land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution #925/2009 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in purple ink, appearing to read 'Erik Karlsen', is written over the 'Per:' label.

Erik Karlsen, Chair

Enclosure: Minutes

cc: Regional District of Okanagan-Similkameen (G09-02101.000)

BR/  
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**A meeting was held by the Provincial Agricultural Land Commission on September 3, 2009 in the Lakeview Salon, Prestige Hotel, Kelowna, B.C.**

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

**For Consideration**

Application: #V-39036 (46022)  
Applicant: Spencer & Zola Goebel  
Proposal: To subdivide the 5.5 ha subject property into two lots, the smaller of which would contain the house, mobile home, fruit stand and equipment/storage sheds and the larger of which would be only land. Two possible options are provided:  
1. a 1 ha lot and a 4.5 ha lot (applicants' preferred option)  
2. a 2.5 ha lot and a 3 ha lot  
Legal: PID: 010-987-835  
Lot 1, District Lot 114, Similkameen Division of Yale District, Plan 2646  
Location: 800 Highway 3A, Keremeos

**Site Inspection**

A site inspection was not conducted for the application.

**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 ratings of the subject property were interpreted using the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system - the of the soil is approximately one third Class 1, one third Class 2 with a limitation of soil moisture deficiency and one third 70% Class 2 with a limitation of excess water and 30% Class 2 for tree crops with a limitation of excess water. Class 1 land either has no or only very slight limitations that restrict its use for the production of common agricultural crops. 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 does 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. The applicants are requesting to subdivide off their homesite and sell the remainder of the farm as they are no longer able to manage the farming of the property. However, as they purchased the property only 11 years ago, they do not qualify for consideration under the *Homesite Severance Policy*. As such, the application was considered solely on the basis of its impact on agriculture. In this consideration, the Commission cannot take into account the health of the current owners as this is a variable that changes and not an issue that should affect the preservation of the land base in the long term.

Additional comments were received from the applicants on September 3, 2009, addressing issues such as the proposed access to the new lot, health concerns, and the increased use of the land that would result from the proposed subdivision. A copy of the letter sent to Bill Newell of the Regional District of Okanagan-Similkameen was also submitted.

While it recognized that a panhandle would remove land from possible production and have the potential to create friction with neighbouring farms because of dust and noise, the Commission's main concerns with the application were that it would create a small lot in the ALR, reduce the area available to agriculture because a new residence and associated structures would be built on the new lot (the proposed subdivision would have all farm buildings on the smaller lot and so it is likely that new replacement buildings would be constructed on the agricultural lot), and reduce the agricultural options on the more restricted land base of the proposed lots. The Commission did not see a benefit to agriculture in subdividing 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.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

### **IT WAS**

**MOVED BY:** Commissioner Sidhu  
**SECONDED BY:** Commissioner Mayer

THAT the application to subdivide the 5.5 ha subject property into two lots, the smaller of which would contain the house, mobile home, fruit stand and equipment/storage sheds and the larger of which would be only land be refused on the grounds that it will have a negative impact on agriculture.

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 #925/2009**