



Agricultural Land Commission
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December 14, 2016

ALC File: 55168

Peter McClean
10610 Coldstream Creek Road
Coldstream, BC V1B 1C9

Dear Sir:

Re: Application to Include Land into the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #433/2016) as it relates to the above noted application. A sketch plan depicting the decision has been attached.

Your attention is drawn to s. 33(1) of the *Agricultural Land Commission Act* which provides a person affected the opportunity to submit a request for reconsideration.

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.

Please note that pursuant to s. 33.1 of the *Agricultural Land Commission Act*, the Chair may direct the executive committee to reconsider this panel decision if, within 60 days from the date of this decision, he considers that the decision "may not fulfill the purposes of the commission as set out in section 6". I can advise you that in this case, the Chair has already reviewed the decision and has instructed me to communicate to you that he does not intend to exercise that authority in this case.

Further correspondence with respect to this application is to be directed to Ron Wallace at (Ron.Wallace@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Ron Wallace, Land Use Planner

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Enclosure(s): Reasons for Decision (Resolution #433/2016)
Sketch plan

cc: District of Coldstream (File:16-010-ALR)

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AGRICULTURAL LAND COMMISSION FILE 55168

REASONS FOR DECISION OF THE OKANAGAN PANEL

Application submitted pursuant to s. 17(3) of the *Agricultural Land Commission Act*

Applicant:

**Peter McClean
(the “Applicant”)**

Application before the Okanagan Regional Panel:

**Gerald Zimmermann, Panel Chair
Jim Johnson
Greg Norton**



THE APPLICATION

[1] The legal description of the property involved in the application is:

Parcel Identifier: 002-912-562

Lot 31, Plan 320, sections 14 and 33, Township 9, Osoyoos Division Yale District
(the "Property")

[2] The Property is 7.5 ha in area (~4.9 ha in the ALR).

[3] The Property has the civic address of 10610 Coldstream Creek Road

[4] The Property is located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "*ALCA*").

[5] The Property is located within Zone 1 as defined in s. 4.2 of the *ALCA*.

[6] Pursuant to s. 17(3) of the *ALCA* the Applicants are applying to include 2.6 ha of the 7.5 ha property into the ALR (the "Proposal"). The Proposal along with supporting documentation is collectively the "Application". The Applicant has also submitted a concurrent subdivision application for a 2 ha lot (ALC file 55276).

RELEVANT STATUTORY PROVISIONS

[7] The Application was made pursuant to s. 17(3) of the *ALCA*:

17(3) On application by an owner of land, the commission may designate all or part of the land described in the application as part of an agricultural land reserve if the commission considers that the designation carries out the intent of this Act.

[8] The Panel considered the Application within the context of s. 6 of the *ALCA*:

6 The following are the purposes of the commission:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
- (c) 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.

EVIDENTIARY RECORD BEFORE THE PANEL

[9] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Previous application history
4. Agricultural capability map, ALR context map, and satellite imagery
5. A Report from Valhalla Environmental Consulting dated July 18, 2014, titled *"Preliminary Review for Agricultural Capability, 10610 Coldstream Creek Road, Coldstream, BC"*

All documentation noted above was disclosed to the Applicant in advance of this decision.

[10] The District of Coldstream has resolved to forward the application for the ALC's adjudication with a recommendation that the residential use of the property be restricted to farm worker housing only.

[11] The Panel reviewed a previous application involving the Property:

Application ID: 12395
Legacy File: 32390
(ALC, 1999)

Proposal: To include approximately 900 ha of non-ALR into the ALR, comprising grassland hillsides on 44 parcels. Approximately 2.5 ha of Lot 31 (The Property) was proposed for inclusion.

Peter McClean made a presentation at the inclusion



hearing that Lot 31 did not warrant inclusion into the ALR because of poor soils, north facing exposure and steepness.

Decision: Lot 31 was deleted from the inclusion proposal. However ~600 ha was included into the ALR.

SITE VISIT

[12] On July 28, 2016, the Panel conducted a walk-around and meeting site visit in accordance with the *Policy Regarding Site Visits in Applications* (the "Site Visit").

Those attending the site visit were:

Commissioners Zimmermann, Johnson, and Norton

ALC Staff : Ron Wallace

Applicant : Peter McClean

[13] The Commissioners noted that the non-ALR area proposed for inclusion has been planted for orchard uses and was not appreciably different in either soils or slope from adjoining ALR lands to the west.

FINDINGS

[14] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified using the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system. The improved agricultural capability ratings identified on BCLI map sheet 82 L.024 for the mapping units encompassing the Property are 90% (*3T) and 10% (4*3T 4:5TR 2:7R)

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

Class 7 - land has no capability for soil bound agriculture.



The limiting subclasses associated with this parcel of land are R (rocky outcrops), and T (topographic limitations).

The Panel confirms that the BCLI ratings indicate that almost the entire property has capability for agricultural development; either for grazing pasture, or for woody perennials.

[15] In addition, the Panel received a professional Agrologist's Report, prepared by Matthew Davidson, P. Ag, dated July 18, 2014 (the "Report"). The Report finds that the land lying outside of the ALR has similar capability as the land lying within the ALR, and that the land is currently used for grazing purposes.

[16] The Panel believes that the proposed 2.6 ha inclusion area has good capability for agriculture, based on the BCLI ratings, the Agrologist's Report, and the site inspection, and warrants inclusion into the ALR.

DECISION

[17] For the reasons given above, the Panel approves the Proposal to include 2.6 ha into the ALR.

[18] Panel Chair **Gerald Zimmermann** concurs with the decision.
Commissioner **Jim Johnson** concurs with the decision.
Commissioner **Greg Norton** concurs with the decision.

[19] Decision recorded as Resolution #433/2016.

A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the Agricultural Land Commission Act.

CERTIFICATION OF DECISION

This is a decision of the majority of the Okanagan Panel.



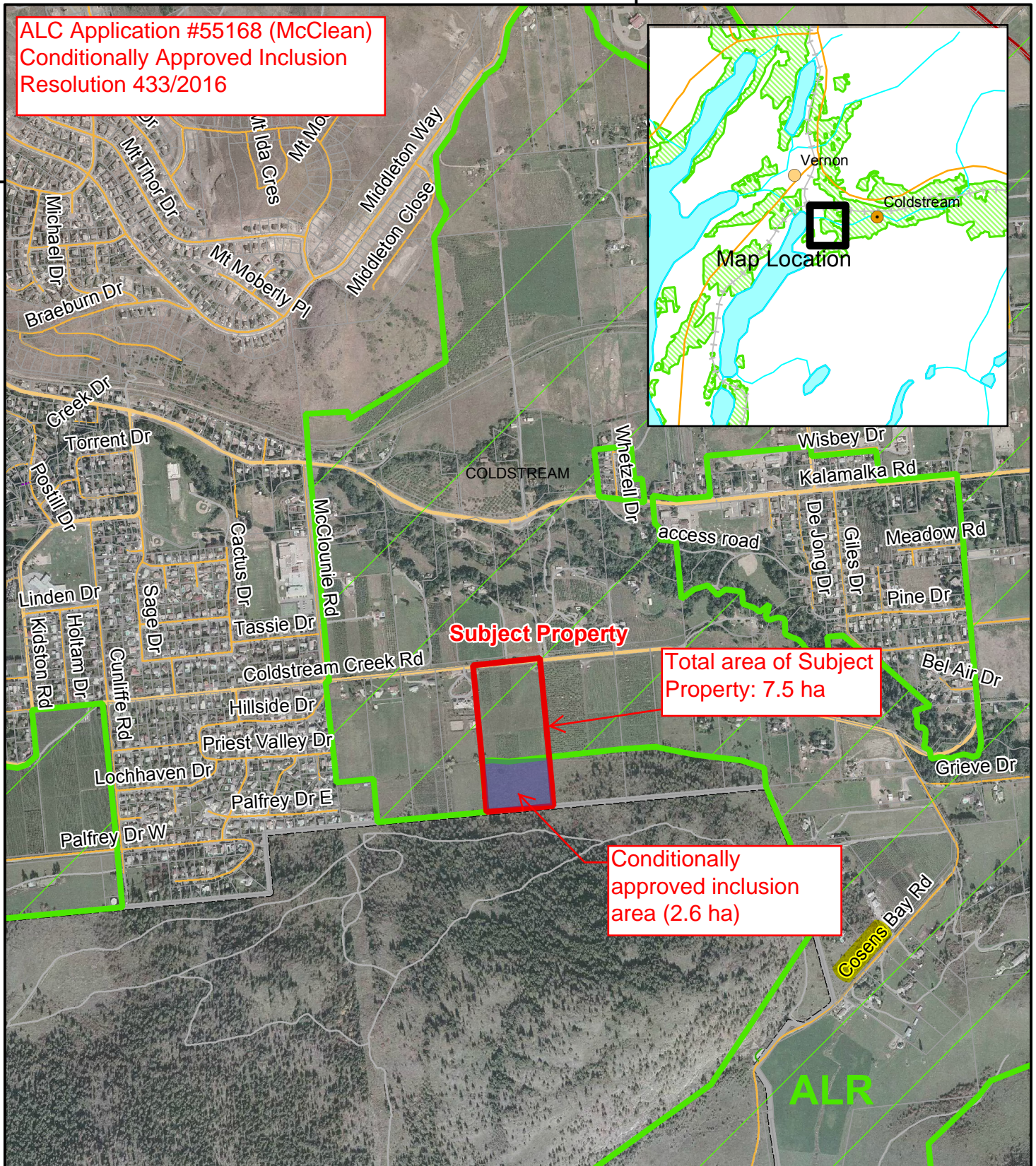
A handwritten signature in black ink, appearing to read 'G. Zimmermann', is written over a horizontal line.

Gerry Zimmermann, Panel Chair

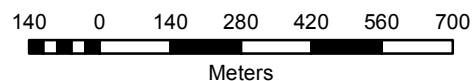
119°14'0"W

ALC Application #55168 (McClean)
Conditionally Approved Inclusion
Resolution 433/2016

50°14'0"N



Airphoto Map
Ortho Photo Mosaic
Colour 1995-2004 (1m)
Map Scale: 1:15,000



ALC File #: 55168
Mapsheet #: 82L.024
Map Produced: Aug 30, 2016
Regional District: North Okanagan