



Agricultural Land Commission
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December 21, 2006

Reply to the attention of Brandy Ridout
ALC File: #T - 36953

Jason R. Shortt
2810 - 32 Street
Vernon, BC V1T 5L8

Dear Sir:

Re: Application to subdivide land within the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 652/2006 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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Kansen, Chair

cc: Regional District of North Okanagan (#06-0527-C-ALR)

MC/lv/Encl.: Minutes/Sketch Plan
36953d1

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

The Commission noted that the only negative impact of the proposal was the potential for a new home on proposed Lot 2 to reduce the agricultural capability of the parcel. However, given the relatively small size of the lot, the agricultural loss was deemed to not be significant. The subdivision of the 1.1 ha parkland area was not deemed significant because this area did not have any agricultural potential.

IT WAS

MOVED BY: Commissioner S. Irvine
SECONDED BY: Commissioner S. McCoubrey

THAT the application to subdivide two subject properties into three lots (2 @2 ha, and one of 1 ha) be allowed.

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- AND THAT the approval is granted to the applicant only and is valid for 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, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED
Resolution # 652/2006



Staff Report
Application # T – 36953
Applicant: Keith and Jean Johnson
Agent: Jason R. Shortt
Location: Vernon

DATE RECEIVED: September 13, 2006

DATE PREPARED: October 25, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To subdivide the two (2) subject properties to create three (3) parcels - one (1) of which is to be used for parks purposes. The proposed park would be 1.1 ha in size and the two (2) remaining parcels will be approximately 2 ha in size with road frontage on Silver Star Road.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The proposed 1.1 ha lot is being requested by Greater Vernon Services. It is at the bottom of a slope and is not easily accessible from the top. It is to be added to the existing park land which is prevalent in the area.

Local Government:

Regional District of North Okanagan

Legal Description of Property:

1. PID: 008-570-221
Lot A, Section 12, Township 8, Osoyoos Division Yale District, Plan 38738
2. PID: 008-570-230
Lot B, Section 12, Township 8, Osoyoos Division Yale District, Plan 38738

Purchase Date:

June 1987

Location of Property:

5533 and 5541 Silver Star Road

Size of Property:

5.1 ha (The entire property is in the ALR).

BACKGROUND INFORMATION (continued):

Present use of the Property:

Lot 1 two (2) existing residences and several out-buildings. Proposed Lots 2 and 3 vacant. Some hay field on both lots.

Surrounding Land Uses:

WEST: Country Residential
SOUTH: Park, Residential
EAST: Country Residential
NORTH: Country Residential

Agricultural Capability:

Data Source: Agricultural Capability Map # 82L.024
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

Rural Vernon OCP Bylaw No. 1708 (2003)
Designation: Agricultural/Major Road/Development Permit Area/Park

Zoning Bylaw and Designation:

Zoning Bylaw No. 1888 (2003)
Designation: Country Residential Zone (C.R.)
Minimum Lot Size: 2 ha (no lot size restriction for parks)

PREVIOUS APPLICATIONS:

Application #20095-0

Applicant: C.H. & A.A. Johnson
Decision Date: September 16, 1986
Proposal: To do a boundary line adjustment between three lots (2 ha, 1.9 ha and 1.7 ha) to create a 0.2 ha, 2.6 ha and 2.8 ha lot.
Decision: Allowed.

RELEVANT APPLICATIONS:

Application #12658-0

Applicant: E. Genier
Decision Date: August 25, 1981
Proposal: To subdivide the 5.4 ha subject property into four lots ranging in size from 0.4 ha to 2.4 ha.
Decision: Refused on the grounds that the proposed lots would be an intrusion of residential sized lots into an agricultural area.

Application #12658-1

Applicant: E. Genier
Decision Date: December 1, 1981
Proposal: To subdivide the 5.4 ha property into two lots of more than 2.0 ha in size each.
Decision: Allowed.

RELEVANT APPLICATIONS (continued):

Application #25975-0

Applicant: Derek and Ellen Burke

Decision Date: January 17, 1992

Proposal: To subdivide a 2 ha lot from the 4 ha subject property.

Decision: Allowed - on the condition that the mobile home is removed from the property and the large group home will be the only residence on the westerly lot. The applicants will be permitted to build one single-family dwelling on the easterly lot.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District of North Okanagan Board: Authorized application for submission.

Development Services: Recommend that the application be authorized for submission. It is recommended that 10% minimum lot frontage requirement be waived and the frontage reduced from 70 metres to 62 metres for proposed lot 1. There are concerns with the two residences being on one lot and requirements must be met before subdivision.

Advisory Planning Commission 'C': Supports the recommendations of Development Services.

Electoral Area Services Commission: Recommend the application be authorized for submission.

STAFF COMMENTS:

Staff suggests a site visit to allow the Commissioners an opportunity to assess the impact the topography has on the agricultural use of the subject properties.

ATTACHMENTS:

- ALR Base map 82L/6 - 1:50,000
- Constituent map #35
- Map showing current subject properties (supplied by Regional District)
- Proposed subdivision plan (supplied by agent)
- Regional District of North Okanagan Development Services Report

END OF REPORT



Signature

Oct 30, 06

Date