



Agricultural Land Commission
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March 14, 2007

Reply to the attention of Brandy Ridout
ALC File: #T - 37129

William Clark
6916 Rugg Road
Vernon, B.C. V1B 3S9

Dear Mr. Clark:

Re: Application to subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 31/2007 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of North Okanagan (#06-0581-B-ALR)
David Clark - 6933 L & A Road, Vernon, BC V1B 3S9
Barbara Jean Clark - 1651 Abbey Road, Qualicum Beach, BC V9K 2S3

Enclosure: Minutes

MC/lv
37129

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 Commission confirmed that the property had, in large part, reasonably good agricultural capability (based on its soils and topography). The major limitation for agriculture was a swampy area near the centre of the property.

Assessment of Agricultural Suitability

The Commission assessed whether the 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 believes the subdivision would reduce the parcel size to the extent where the property would become significantly less useful for agriculture. The construction of homes, yards and septic fields would alienate a significant amount of arable land. The Commission believes that larger parcels offer a broader range of agricultural options, and increase the likelihood that the land will be used for agriculture. In contrast smaller lots decrease, rather than increase, the land's agricultural suitability and use.

Consideration under the *Homesite Severance Policy*

The Commission noted that consideration has already been given under the Homesite Severance Policy and, as such this application was not reviewed as per the policy.

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 subdivision proposal will negatively 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 Irvine

SECONDED BY: Commissioner McCoubrey

THAT the application to subdivide a 0.4 ha lot from the 3.2 ha property for his daughter be refused on the grounds that it would reduce the agricultural capability of the property.

CARRIED

Resolution # 31/2007



Staff Report
Application # T – 37129
Applicant: William Clark
Location: Vernon

DATE RECEIVED: December 14, 2006

DATE PREPARED: January 22, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: Subdivision for a family member: the applicant is requesting to subdivide a 0.4 ha lot from the 3.2 ha property for his daughter. Consideration under the *Homesite Severance Policy* is being requested because the family has owned the property since 1921.

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

BACKGROUND INFORMATION:

The subject property was acquired by Robert Clark on August 31, 1921 and transferred to his wife in 1971 after his death. The property was then passed to their son, William Clark, in December 1980. William Clark's son and daughter were added to the title of the property in May 2006.

Under application #T-25159, the applicant was granted a subdivision on an adjacent lot (lot 16) in lieu of a homesite severance as the Commission believed he was eligible for consideration under the *Homesite Severance Policy* on a property to the north (Lot 20&21). As such, the applicant has already received consideration under the *Policy*. In addition, although the subject property has been owned by the family since 1921, it was never the location of the homesite.

Local Government:

Regional District of North Okanagan

Legal Description of Property:

PID: 011-621-508
Lot 32, Sections 13 & 24, Township 8, Osoyoos Division Yale District, Plan 1362

Purchase Date:

08/31/1921

Location of Property:

6990 L & A Road, Swan Lake, Vernon

BACKGROUND INFORMATION (continued):

Size of Property:

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

Present use of the Property:

Pasture and three (3) small cow sheds (open sided). The property contains no buildings.

Surrounding Land Uses:

WEST: Residence (2) and orchard
SOUTH: Residence
EAST: Residence (2), and pasture
NORTH: Residence

Agricultural Capability:

Data Source: Agricultural Capability Map # 82L.034
The majority of the property is identified as having prime dominant ratings.

Official Community Plan and Designation:

Rural Vernon Electoral, Areas "B" and "C" OCP Bylaw No. 1708 (2003)
Designation: Agricultural/Major Road

Zoning Bylaw and Designation:

Zoning Bylaw No. 1888 (2003)
Designation: Country Residential Zone (C.R.), Minimum Lot Size: 2 ha

RELEVANT APPLICATIONS:

Application #25159-0

Applicant: William Clark
Decision Date: March 21, 1991
Proposal: To subdivide the 4.4 ha subject property into two lots.
Decision: Refused on the grounds that subdivision would reduce the agricultural potential of the property and encourage further subdivision requests in the vicinity. However, the Commission noted that the applicant was entitled to homesite severance consideration, though not on the subject property. As such, it would allow the subdivision in lieu of a homesite severance subject to the consolidation of lots 20 & 21 (also owned by the applicant).

Application #26859-0

Applicant: Helmut Hirschhorn
Decision Date: November 19, 1992
Proposal: To subdivide a 1,100 square metre lot from the 3.6 ha subject property to provide a residential lot for a family member.
Decision: Refused on the grounds that subdivision would result in the parcelization of productive agricultural lands, encourage further encroachment of residential lots into the ALR, and result in the loss of existing orchard area which would reduce the agricultural potential of the remainder of the property. The Commission did note that while the applicant may be eligible for a homesite severance subdivision, reducing the size of an already small acreage would remove land from production and be detrimental to the continued use of the remaining farm property.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District of North Okanagan: The application be authorized for submission.

Development Services Department of the Regional District: Recommend that the application not be authorized for submission because it is not consistent with the intents of *Homesite Severance Policy* or the *Agricultural Land Commission Act*.

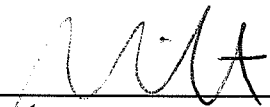
STAFF COMMENTS:

- The applicant does not qualify for consideration under the *Homesite Severance Policy* because he did not own the property or live on it continuously since December 21, 1972.
- The applicant has already received consideration under the *Policy* (see application #T-25159).
- Farmland would be removed from production by the construction of a house and associated structures.
- Subdivision would reduce the suitability of the agricultural remainder and introduce an additional residential lot in the area.

ATTACHMENTS:

- ALR Base map (1:50,000)
- ALR Constituent map (1":800')
- Regional District cadastral map showing property and proposed lot
- Air photo

END OF REPORT



Signature

Jan 22, 07

Date