



Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
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www.alc.gov.bc.ca

October 25, 2005

Reply to the attention of BRANDY RIDOUT

Harold & Marlene Schmidt
8893 Dixon Dam Road
Vernon, BC - V1B 3J8

Dear Mr. and Mrs. Schmidt:

Re: Application #T-36257
PID: 011-517-816
Lot 1, Section 18, Township 5, Osoyoos Division Yale District, Plan 1540

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide an approximately 3.5 ha homesite lot from the 19.8 ha subject property. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*.

The Commission wishes to thank you for taking the time to meet with its representatives on October 13, 2005. The Commission found the meeting and site visit informative and appreciated clarification on the details and rationale of the original proposal for a subdivision involving a boundary line adjustment rather than a subdivision that would result in the creation of an additional lot.

Although the application was made on the understanding that you met the intent of the *Homesite Severance Policy* as the land had been in your family since 1927, the Commission did not concur and as such will not apply the *Policy* in this case. Furthermore, the Commission does not consider the subdivision to be supportive of agriculture as it separates an agricultural unit.

For these reasons, the Commission refused your application as proposed. The decision noted above is recorded as Resolution #540/2005.

However, the proposed boundary line adjustment between the three parcels identified on the attached sketch would be considered for approval subject to the inclusion of Lot A and Lot 1 Section 7 into the Agricultural Land Reserve.

If you wish to proceed on this basis, please contact Brandy Ridout at (604) 660-7014.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

per:

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

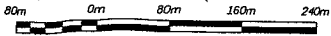
Erik Karlsen, Chair

cc: Regional District of North Okanagan - 05-0397-C-ALR
Jason R. Shortt, 2810-32 Street, Vernon, BC V1T 5L8
BR/lv/Encl./36257d1

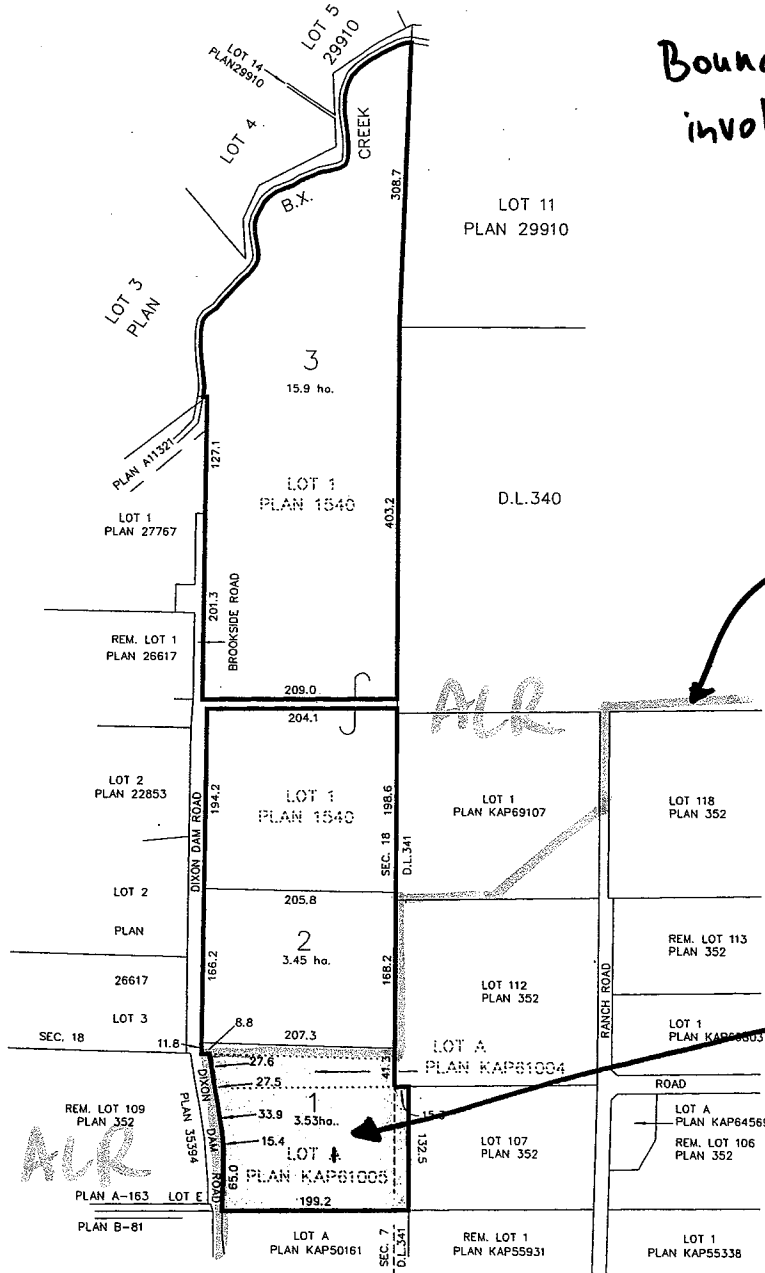
PROPOSED SUBDIVISION OF LOT 1, PLAN 1540, LOT A, PLAN KAP61004, AND LOT 1, PLAN KAP61005, SECTIONS 7 AND 18, TP. 5 AND D.L. 341, ALL OF O.D.Y.D.

B.C.G.S. No. 82L.024

SCALE 1: 1000 (All distances are in metres and decimals thereof)



Boundary line adjustment involving three properties



approximate ALR boundary

area to be included into the ALR

Provincial Agricultural Land Commission
Application #T-36257-0

THIS PLAN IS PREPARED FOR THE USE OF:
MR SCHMIDT

FEBRUARY 22ND 2005.

© JASON R. SHORTT, B.C.L.S. 2005.

File# 23360

20050301.1636

RUSSELL N. SHORTT
British Columbia Land Surveyor
2801 32nd Street, Vernon, B.C.
Phone 545-0511 Fax 545-2741

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IT WAS

MOVED BY: Commissioner Sidhu

SECONDED BY: Commissioner McCoubrey

THAT the staff report be received

AND THAT the application to subdivide an approximately 3.5 ha homesite lot from the 19.8 ha subject property be refused

AND THAT the proposed boundary line adjustment would be considered for approval subject to the inclusion of Lot A and Lot 1 Section 7 into the Agricultural Land Reserve

AND FINALLY THAT this potential approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



Staff Report
Application # T – 36257-0
Applicant: Harold & Marlene Schmidt
Agent: Jason R. Shortt
Location: Vernon

DATE RECEIVED: September 15, 2005

DATE PREPARED: October 3, 2005

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To subdivide an approximately 3.5 ha lot from the 19.8 ha subject property pursuant to the *Homesite Severance Policy*.

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

BACKGROUND INFORMATION:

The property has been owned by the applicant's father since 1927 and was passed on to the applicant in 1981 by estate.

The applicants originally requested a boundary line adjustment that would not have created any additional lots. However, the application was not supported by the Development Services Department.

Local Government:

Regional District of North Okanagan

Legal Description of Property:

PID: 011-517-816

Lot 1, Section 18, Township 5, Osoyoos Division Yale District, Plan 1540

Purchase Date:

1981 (by estate)

Location of Property:

8893 Dixon Dam Road, Vernon

BACKGROUND INFORMATION (continued):

Size of Property:

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

Present use of the Property:

Lot 1, Plan 1540 - old shop, old home, hay field, pasture and a treed slope to the creek.

Surrounding Land Uses:

WEST: Rural residential, some pasture (ALR)
SOUTH: Rural residential, some pasture (non-ALR)
EAST: Rural residential, some pasture (ALR)
NORTH: BX Creek, rural residential (non-ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 82L.024 & 82L.034
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

Rural Vernon OCP Bylaw No. 1708 (2003)
Designation: Agricultural/Country Residential - Agricultural/Development Permit Area

Zoning Bylaw and Designation:

Zoning Bylaw 1888 (2003)
Designation: country residential (C.R.)
Minimum parcel size 2 ha

PREVIOUS APPLICATION:

Application #27559-0

Applicant: Harold & Marlene Schmidt
Decision Date: June 24, 1993
Proposal: To subdivide the 19.8 ha subject property into two lots of 7.7 ha and 12.1 ha.
Decision: Refused - the land has the capability to support agriculture in the form of forage production and pastureland and has historically been used for these purposes. The Commission did not feel that Dixon Road was a major obstacle to the two areas being worked together as one unit.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

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

Advisory Planning Commission "C": Supported the recommendation of the Development Services Department.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS (continued):

Development Service Department: The application be authorized for submission as it offers substantial compliance with the Regional Board's policy on subdivision applications in the ALR pursuant to the Homesite Severance provisions of the *Agricultural Land Commission Act*. Although not owned by the applicant in 1972, as the property has been in the family since 1927, the Development Service Department was satisfied that this length of ownership within the family meets the intent of the *Homesite Severance Policy*.

STAFF COMMENTS:

As the applicant's father owned the property since 1927 and only passed on to the applicant in 1981 by estate, the applicant does not technically qualify for a homesite lot.

END OF REPORT

Signature



Date

