



Agricultural Land Commission
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March 28, 2006

Reply to the attention of Brandy Ridout
ALC File #T-31857

William E. Maddox
B.C. Land Surveyor
3500 - 30th Street
Vernon, BC V1T 5E8

Dear Mr. Maddox:

Re: Request for Reconsideration

This is further to your letter of February 3, 2006 in which you requested the Provincial Agricultural Land Commission to authorize deposit of the subdivision plan in accordance with Resolution #244/1998.

The Commission has considered the matter and has attached the Minutes of Resolution #128/2006 outlining its latest decision. As agent, it is your responsibility to notify your client accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

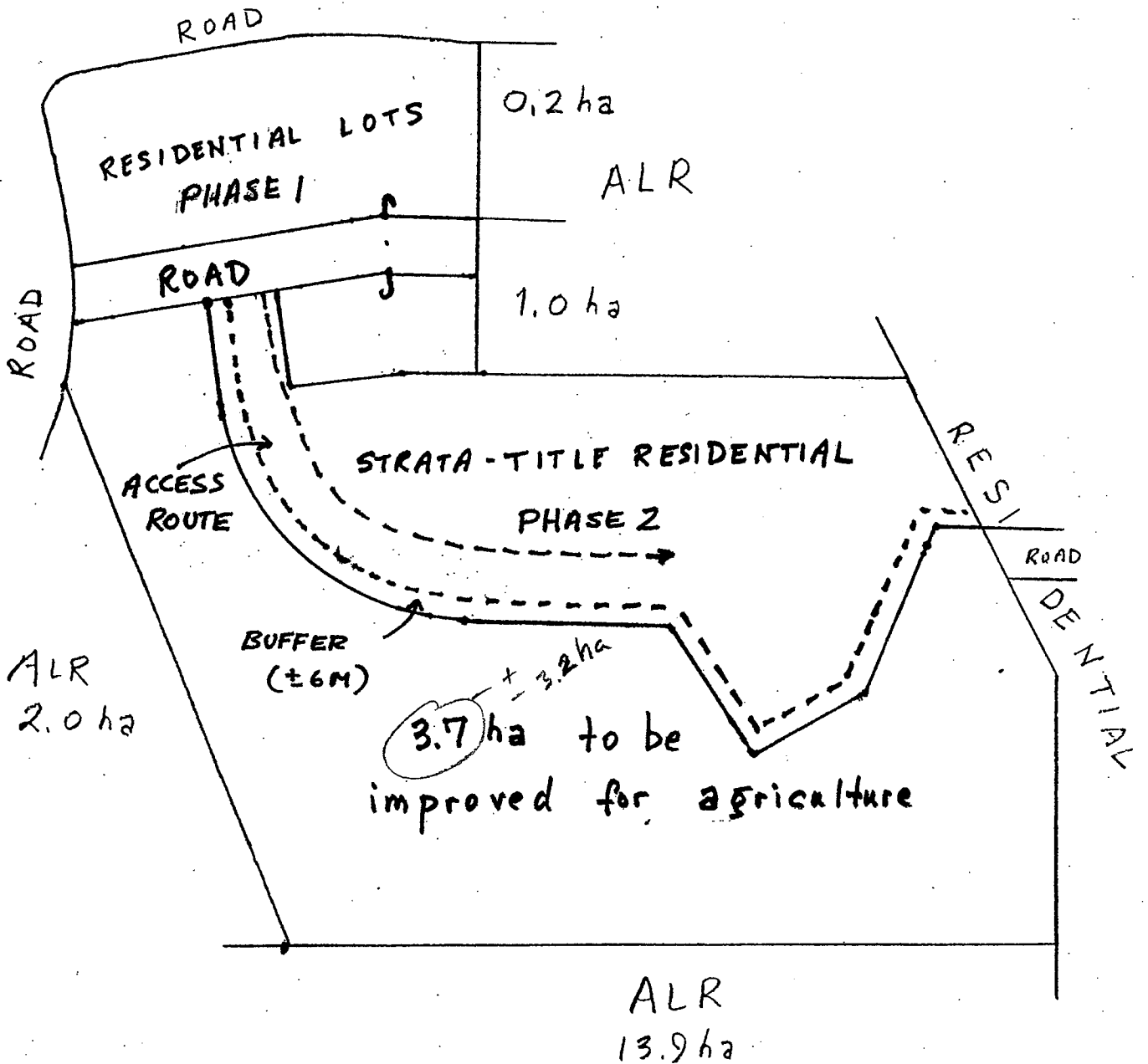
Per:

Erik Karlsen, Chair

cc: City of Vernon - File #7417.000

BR/lv/Encl. Minutes
Sketch Plans

31857d2



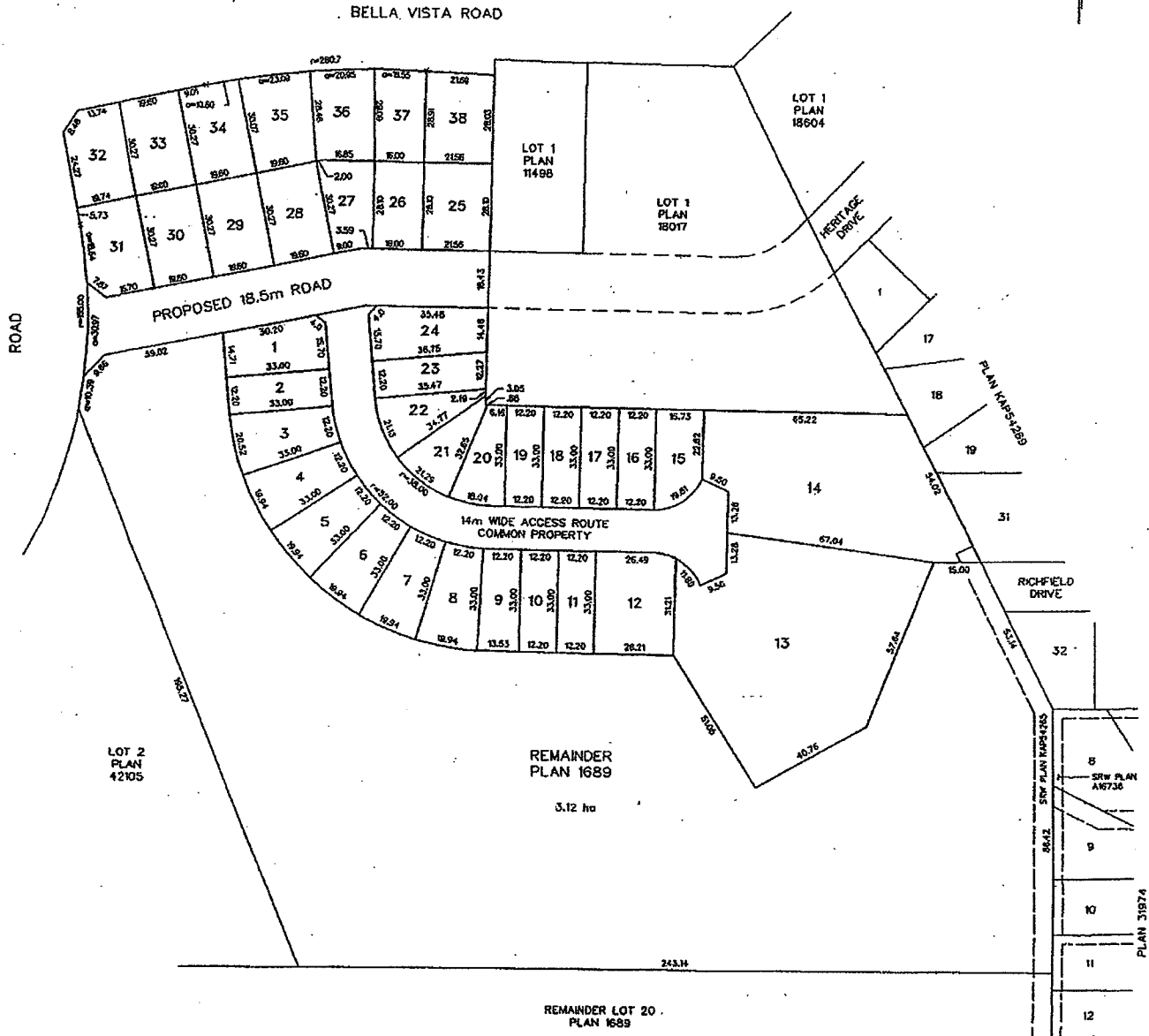
Sky view



scale 1:2000

Provincial Agricultural Land Commission
 Application #T-31857
 Resolution #128/2006

Subdivision layout as approved under
 Resolution #244/1998



NOTES
 - Distances are in metres.

Provincial Agricultural Land Commission
Application #T-31857
Resolution #128/2006
Amended subdivision layout

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 2, 2006 at the Ministry of Agriculture and Lands office located at 4607 - 23rd Street, Vernon, BC.

PRESENT:	Sue Irvine	Chair, Okanagan Panel
	Sharon McCoubrey	Commissioner
	Sid Sidhu	Commissioner
	Brandy Ridout	Staff
	Martin Collins	Staff

For Consideration

A letter from W. E. Maddox (agent) was received requesting that the Commission authorize deposit of the submitted subdivision plan and exclusion of the subdivided area in accordance with Resolution #244/1998. However, the subdivision layout was different than that approved by the Commission and it was felt would have a greater impact on the ALR remainder of the property.

Application #	T – 31857
Applicant	West Pines Villas Ltd. (formerly Skyview Properties Inc.)
Proposal	To exclude approx. 3.8 ha of the property in order to develop a residential subdivision (partly freehold, partly strata) which would be buffered from the parcel remainder. The remainder of the property would be improved for agricultural purposes, in particular a swampy section on the westerly portion of the property is to be drained and made available to agriculture.
Decision	Refused as proposed on the grounds that part of the area proposed for exclusion was comprised of prime soils with good agricultural capability. However, the Commission was prepared to allow the exclusion of a 2.6 ha (approx.), which followed the secondary/complex soil units subject to the following conditions: 1) that agricultural improvements (drainage) be undertaken on the 3.7 ha remainder lying in the ALR, and 2) that a 6 metre wide vegetated buffer (plus fence) and access route separate the bare land strata residential development from the ALR boundary (as noted on the attached map).
Legal	PID: 011-379-791 Lot 19, District Lot 68, Osoyoos Division Yale District, Plan 1689, Except Plans 11498, 18017, and 42105
Location	Vernon, Okanagan Landing, south of Bella Vista Rd.

Site Inspection

A site inspection was conducted on February 28, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey, and Sid Sidhu
- Staff: Brandy Ridout
- Property owner: Kerry Goulard
- John Jacobsen, Project Manager, Aldebaran Enterprises Inc.

Discussion

Under the original proposal, the Commission approved a subdivision layout that showed a buffer between the proposed development and the ALR remainder that included an access road right of way (20 metres) and a 6-metre wide vegetated buffer. The current layout shows the access road through the centre of the development and a 6-metre buffer between the retaining wall of the strata lots and the property line.

The Commission had approved the partial exclusion and development of the subject property based in part on the location of the access road as it would act as a partial buffer between the development and the ALR remainder. As such, it was concerned about the adequacy of the buffering and set-backs presented in the new subdivision layout.

In order to mitigate the negative effects of the amended subdivision layout, the Commission requires the submission of a fencing and vegetative screening plan that effectively limits the impact of the housing on the ALR, building setbacks of at least 10 meters from the property line. It will also require that water be made available to the ALR remainder of the property. Finally, a disclosure statement must be registered on each title of the newly created lots abutting the ALR indicating that they are adjacent to ALR land and can expect to be affected by typical farm noises and odors

IT WAS

MOVED BY: Commissioner Irvine

SECONDED BY: Commissioner McCoubrey

THAT the amended subdivision layout be approved subject to:

- a fencing and vegetative screening plan that effectively limits the impact of the housing on the ALR,
- building setbacks of at least 10 meters from the property line,
- water being made available to the ALR remainder of the property, and
- a disclosure statement on each title of the newly created lots abutting the ALR indicating that they are adjacent to ALR land, and can expect to be affected by typical farm noises and odors (even though the land is not yet developed for agriculture).

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 #128/2006