



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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www.alc.gov.bc.ca

January 10, 2006

Reply to the attention of Brandy Ridout

Richard Bedard  
City of Vernon  
3400 – 30<sup>th</sup> St.  
Vernon, B.C. V1T 5E6

Dear Sir:

Re: **Application # T-36303**

1. PID: 001-466-771  
Lot 2, Section 19 and 20, Township 9, Osoyoos Division of Yale District, Plan 35350
2. PID: 003-876-519  
Lot 1, Section 19, Township 9, Osoyoos Division of Yale District, Plan 36591
3. PID: 003-876-535  
Lot 2, Section 19, Township 9, Osoyoos Division of Yale District, Plan 36591

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to dedicate and construct Ellison Parkway, a 20 meter wide berm/buffer against the adjacent subdivision, and a pathway through the above noted properties. The application was submitted pursuant to section 20(3) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank you for taking the time to meet with its representatives on Thursday, December 8, 2005. The Commission found the meeting and site visit informative, in particular, to hear the rationale for the Parkway and its location in the ALR.

The Commission was concerned about the impacts of the Parkway on the ALR, noting that about 12 ha of agriculturally capable land would be alienated from future agricultural production by the right of ways and the proposed "natural" park lying between the road and the residential subdivision. Although there was some preliminary discussion about what benefits for agriculture could be achieved by the City of Vernon, the Commission was not prepared, at this time, to make a decision on the road right of way (and the berm/buffer). The Commission believes that further discussion needs to take place to discuss pressures on Vernon's agricultural community, and what steps can be undertaken by the City to strengthen farming in Vernon.

However, the Commission did note that the City has a limited time to access funds to construct the proposed pathway. As the pathway is located adjacent to the subdivision, and because it will not significantly alienate large areas of ALR, the Commission allowed its dedication and construction. The Commission emphasizes that the decision to permit the pathway, does not in any way obligate it to allow the Parkway.

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The Commission's decision is registered as Resolution # 684/2005, and is subject to the pathway being constructed in substantial compliance with the attached sketch plan, and to fencing the southerly boundary of the path (as per the attached Schedule D). The Commission is prepared to accept a financial security in the amount necessary for fence construction until a decision is made on the proposed road. Should the road not proceed the fence must be constructed to limit trespass onto ALR lands.

Please quote your application number in any future correspondence.

Yours truly,

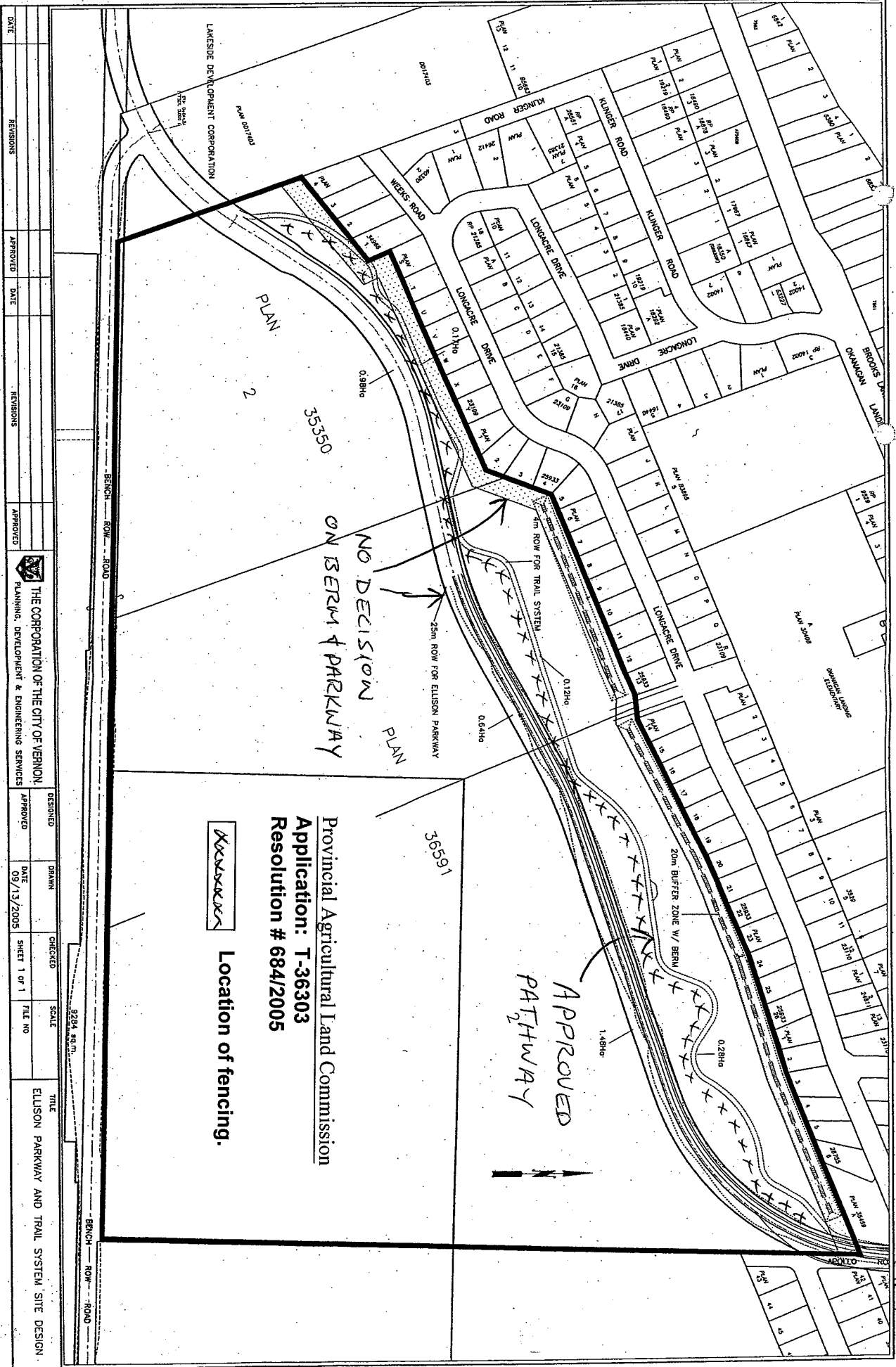
PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a horizontal line.

Erik Karlsen, Chair

BR/lv/Encl.  
36303d1



Provincial Agricultural Land Commission  
 Application: T-36303  
 Resolution # 684/2005

*Kxxxxxx*

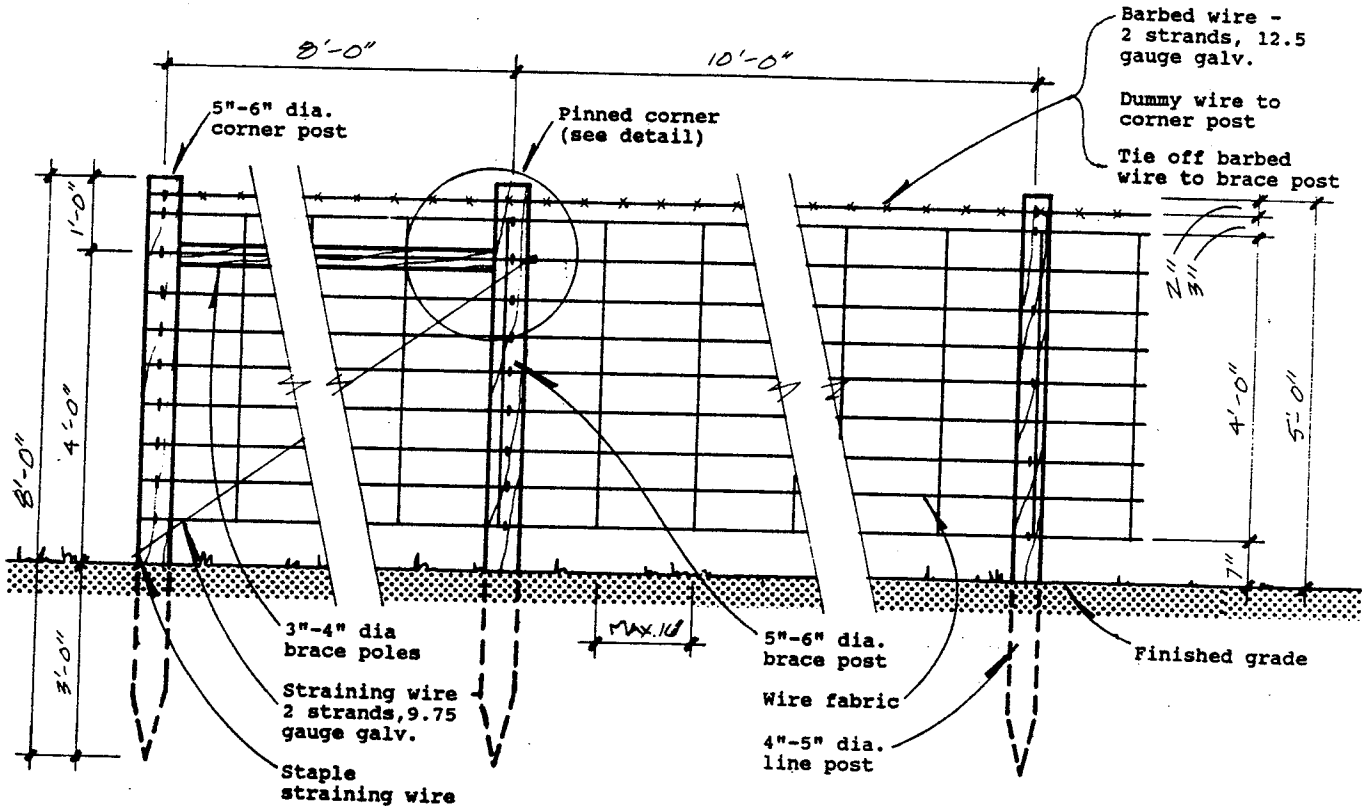
Location of fencing.

DATE	REVISIONS	APPROVED	DATE	REVISIONS	APPROVED	DATE	DESIGNED	DRAWN	CHECKED	SCALE	TITLE
											ELLISON PARKWAY AND TRAIL SYSTEM SITE DESIGN

THE CORPORATION OF THE CITY OF VERNON,  
 PLANNING, DEVELOPMENT & ENGINEERING SERVICES

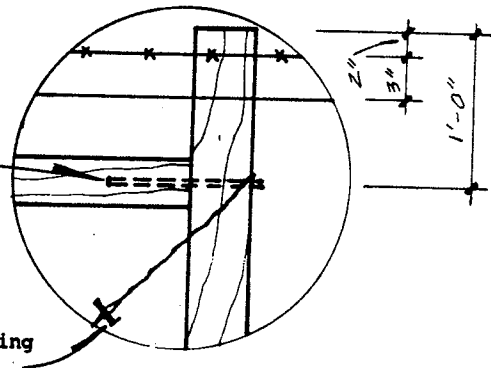
**SCHEDULE D: FENCING SPECIFICATIONS**

**D.4: Wire Fabric Fence with One Strand Barbed Wire**



3/8" x 12" rebar driven into 3/8" drilled hole. Wrap brace wire around 1" rebar protruding through brace post

Tensioning batten



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on Thursday, December 7, 2005 at Commissioner McCoubrey's home in Lake Country.

PRESENT: Sue Irvine Chair  
Sharon McCoubrey Commissioner

ABSENT: Sid Sidhu Commissioner

STAFF: Brandy Ridout, Regional Research Officer  
Martin Collins, Planner

For Consideration

Brandy Ridout presented the staff report dated November 22, 2005 regarding application #T- 36303. The applicants confirmed at the site meeting that they received the staff report and did not identify any errors. However, the following (**bold faced**) comments were provided in response to the staff comments (*italics*) noted below.

- *The proposal represents a significant loss of high capability farmland, 3.6 ha for rights of way, and 8 ha that is severed from the parent parcels. About 12 ha would be permanently lost to agriculture. A site visit will determine whether the severed 8 ha area has any development potential.*
- *The location of the right of way seems excessively far from the existing subdivision/ALR boundary and might be located closer to minimize impact on farmland. However, there may be topographic constraints that constrain its location.*

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***Design is constrained due to site topography and alignment for connection to Bench Row Road. Much iteration have been completed by the City's consultant and this is the only option available that satisfy grade constraints. This also provides a lineal natural park separation with existing residents from the roadway.***

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- The general alignment of the road has been discussed for the past 10 years, and currently is shown as part of the transportation network in the Plan Vernon OCP. No substantive objection has ever been raised to the alignment (see the Commission's attached June 27<sup>th</sup>, 1995 letter)
- It is uncertain that the road connection is necessary – as it appears to be an alternate option to take pressure off of Okanagan Landing Road.

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***Road connection is actually the only means of access from bench row road to the commonage area. The current access road from Okanagan Landing Rd to Bench Row road is quite unsafe and can't support the future traffic demands. This connection will serve both the Commonage area and will connect to Eastside road via Bench ROW Rd to upper Eastside Road connector.***

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- The City owns the three properties under application. There may be consolidation options that the Commission might wish to pursue if it considers the proposal to have merit.

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***ALC believes this makes farming more viable under one title- Consolidation will be supported if the proposal is considered.***

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- If the Commission provides favourable consideration to this application, it is suggested that the southerly edge of the road right of way be fenced and buffered (not the subdivision to the north), and that the high capability soils disturbed by construction be distributed elsewhere on the properties (as suggested).

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***Buffer could be established to accommodate request along with fence placement. High capability soils will be used as per suggested in the application. A berm is still required on the North property line.***

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### Site Inspection

A site inspection was conducted on Thursday, December 8, 2005. Those in attendance were:

- Commissioners Irvine & McCoubrey
- Agricultural Land Commission Staff: Brandy Ridout, Regional Research Officer and Martin Collins, Planner
- City of Vernon staff: Lorne Holowachuk, James Rice, Dale Danallanko, Richard Bedard

The Commission viewed both ends of the proposed road, and were provided with a rationale as to why the road is not located closer to the existing subdivision; ideal road grades could not be achieved closer to the subdivision, and landowners were concerned about traffic noise and other impacts.

The site inspection lasted from 10:30 a.m. to 11 a.m.

### Commission Discussion

The Commissioners noted that no objection had been raised to the road in previous planning exercises, and that the financial resources have been provided to construct Ellison Parkway by Lakeside Development Corporation. It was also noted by the Commissioners that Ellison Parkway was planned to continue west and south of the proposed development and would bisect agricultural parcels and disrupt farm operations. The Commission was concerned about the potential for this planned extension to raise expectations of further urban development and subdivision along Ellison Parkway.

However, the Commission appreciated that the new high density development would require alternate access to Okanagan Landing Road, given the inadequacy of existing access between Booth Row Road and Okanagan Landing Road. The Commission noted that although benefits to agriculture were briefly discussed at the site meeting, a wide range of options was possible. The Commission preferred to continue discussions with the City about what it could do to strengthen agriculture in the City, rather than unilaterally require benefits to agriculture as a condition of allowing the road. As such the decision on the road right of way and berm/buffer was deferred.

The Commission discussed the issue of the park and pathway lying between Ellison Parkway and the proposed new road. City of Vernon staff had requested that the Commission make a timely decision on the pathway because the City had a limited time to access the funds set aside for this purpose. Covenant KW123363 confirmed that the pathway had to be constructed before September 4, 2006 or access to the funds would be withdrawn. The Commission indicated that it had no objection to the immediate construction of the pathway as it would not significantly impair the agricultural capability of this area. The Commission required either that a fence be constructed on the southerly edge of the pathway, or that a security be submitted to ensure that a fence be constructed should the Parkway not proceed. The Commission emphasized that approval for the pathway did not obligate it to approve the road right of way. The proposed park was to be natural grassland and undeveloped (with the exception of the pathway). Natural parks are permitted outright within the ALR by B.C. Regulation 171/2002 (Section 3 (1)(g)).

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

THAT the staff report be received and the application to dedicate and construct Ellison Parkway and the berm/buffer be deferred until further information is received as to what agricultural benefits are proposed by the City to strengthen farming in Vernon.

However the Commission allowed the dedication and construction of the pathway as per the sketch plan submitted with the application, and fencing the southerly edge of the pathway to limit trespass onto ALR lands.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

**CARRIED**



084/05

**Staff Report**  
**Application # T – 36303 – 0**  
**Applicant: City of Vernon**

**DATE RECEIVED:** September 29, 2005

**DATE PREPARED:** November 22, 2005

**TO:** Chair and Commissioners – Okanagan Panel

**FROM:** Simone Rivers, Regional Research Officer

**PROPOSAL:** To build a new road and trail through the subject property affecting a total of 3.67 ha of ALR land.

This application is made pursuant to Section 6 of BC Regulation 171/2002 (*Agricultural Land Reserve Use, Subdivision and Procedure Regulation*).

**BACKGROUND INFORMATION:**

The proposal is to build Ellison Parkway and a trail system beside it. The Ellison Parkway will enable an alternate access to developable lands within the city while also reducing traffic impact along Okanagan Landing Road.

The proposed road and pathway will be located in a 25m and 4 m Rights-of-Way (respectively). A 20 m buffer zone, between the adjacent residential properties, will be established according to ALR requirements.

Efforts will be taken, during construction, to minimize damage and disruption to the lands. Top soil, within the Rights-of-Way (ROW), will be stripped and used as berm material within the buffer zone as shown on the design. Any remaining topsoil will be replaced as landscaping within the ROW and to restore disturbed lands once construction is completed.

The existing tree farm will be relocated to the eastern portion of Lot 2, Plan 36591, Township 9, ODYD.

**Local Government:**

The Corporation of the City of Vernon

**Legal Description of Properties:**

1. PID: 001-466-771  
Lot 2, Section 19 and 20, Township 9, Osoyoos Division of Yale District, Plan 35350
2. PID: 003-876-519  
Lot 1, Section 19, Township 9, Osoyoos Division of Yale District, Plan 36591
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3. PID: 003-876-535

Lot 2, Section 19, Township 9, Osoyoos Division of Yale District, Plan 36591

**Location of Property:**

Vernon - near Bench Row Road and Apollo Road

**Area of ALR Impacted by Project:**

3.67 ha

**Present use of the Property:**

Tree Nursery (leased from the City of Vernon)

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82L.024

The majority of the property is identified as having mixed prime and secondary ratings.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

The City of Vernon is initiating the application.

**STAFF COMMENTS:**

Staff suggest the Commission consider the following:

- The proposal represents a significant loss of high capability farmland, 3.6 ha for rights of way, and 8 ha that is severed from the parent parcels. About 12 ha would be permanently lost to agriculture. A site visit will determine whether the severed 8 ha area has any development potential.
- The location of the right of way seems excessively far from the existing subdivision/ALR boundary and might be located closer to minimize impact on farmland. However, there may be topographic constraints that constrain its location.
- The general alignment of the road has been discussed for the past 10 years, and currently is shown as part of the transportation network in the Plan Vernon OCP. No substantive objection has ever been raised to the alignment (see the Commission's attached June 27<sup>th</sup>, 1995 letter)
- It is uncertain that the road connection is necessary – as it appears to be an alternate option to take pressure off of Okanagan Landing Road.
- The City owns the three properties under application. There may be consolidation options that the Commission might wish to pursue if it considers the proposal to have merit.
- If the Commission provides favourable consideration to this application, it is suggested that the southerly edge of the road right of way be fenced and buffered (not the subdivision to the north), and that the high capability soils disturbed by construction be distributed elsewhere on the properties (as suggested).

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**END OF REPORT**

Signature



Date

November 23, 2005