



Agricultural Land Commission
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March 15, 2006

Reply to the attention of Brandy Ridout
ALC File #T-36422

Elma Dalziel
5983 Skyview Road
Vernon, BC V1H 1B1

Dear Mrs. Dalziel:

Re: Application to subdivide in the Agriculture Land Reserve

Please find attached the Minutes of Resolution #68/2006 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: City of Vernon

BR/lv/Encl.: Minutes
36422d1

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

Application # T – 36422
Applicant(s) Elma Dalziel
Proposal To subdivide the 2 ha property into two 1 ha lots. The applicant is requesting this subdivision as she would like to build a smaller home on a smaller lot because she is finding her home and garden too much work.
Legal PID: 015-210-677
Location Lot 2, District Lot 68, Osoyoos Division Yale District, Plan 42105
5983 Skyview Road, off Bella Vista Road in Okanagan Landing, Vernon

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
- Applicant: Elma Dalziel
- Surveyor: Richard Shoesmith

Mrs. Dalziel confirmed that she had received the staff report dated February 16, 2006 and did not identify any errors.

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

The Commission noted that the majority of the property has an improved agricultural capability rating of Class 2. However, it also noted that a small portion of the property is Class 7 with a limiting subclass of bedrock near the surface. During the site visit the applicant stated rock had to be blasted for the placement of the house foundation. The Commission believed that although there were small portions of the property less suited for agricultural use, the majority of the property was well suited for agriculture. The Commission also noted that since purchasing the property in 1989, the applicant had not attempted any kind of agriculture.

The Commission believed that the subdivision of the subject property would decrease the agricultural potential of the property and the likelihood that it would be used for agriculture in the future.

Conclusions

1. That the land under application has agricultural capability.
2. That the land under application is suitable for agricultural use in its current size but if subdivided, would become less suitable and therefore the likelihood that it would be used for agriculture in the future would be reduced.

IT WAS

MOVED BY: Commissioner Irvine

SECONDED BY: Commissioner McCoubrey

THAT the application be refused.

CARRIED

RESOLUTION #68/2006



Staff Report
Application # T – 36422
Applicant: Elma Dalziel
Location: Vernon

DATE RECEIVED: December 21, 2005

DATE PREPARED: February 16, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To subdivide the 2 ha property into two 1 ha lots. The applicant is requesting this subdivision as she would like to build a smaller home on a smaller lot because she is finding her home and garden too much work.

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

BACKGROUND INFORMATION:

The subject property is the result of a previous application that allowed subdivision of an 11.4 ha parcel into three lots (#T-21442).

It is noted in the application that the land is very rocky and the applicant had to blast to put in the house, waterline and pool. The agricultural capability mapping shows a small portion of the subject property (approximately 5%) is limited by bedrock near the surface.

Local Government:

The City of Vernon

Legal Description of Property:

PID: 015-210-677
Lot 2, District Lot 68, Osoyoos Division Yale District, Plan 42105

Purchase Date:

December 1989

Location of Property:

5983 Skyview Road, off Bella Vista Road in Okanagan Landing, Vernon

Size of Property:

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

BACKGROUND INFORMATION (continued):

Present use of the Property:

Residential, with home and swimming pool

Surrounding Land Uses:

WEST: Residential, orchard (ALR)
SOUTH: Vacant, undeveloped (ALR)
EAST: 6.3 ha vacant, undeveloped (ALR) (portion is approved for residential housing)
NORTH: 2 ha rural residence (ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 82L.024
The majority of the property is identified as having prime dominant ratings (Class 2).
Approximately 5% of the property is Class 7 with a limiting subclass of bedrock near the surface.

Official Community Plan and Designation:

Designation: Rural Agricultural (RA)

Zoning Bylaw and Designation:

Zoning Bylaw No. 5000 (2003)
Designation: A1 Agriculture in the ALR
Minimum Parcel Size 12 ha

PREVIOUS APPLICATIONS:

Application #19970-0

Applicant: Skyview Property Inc.
Decision Date: September 18, 1986
Proposal: To subdivide the 11.4 ha property into five lots of 2 ha.
Decision: Refused as proposed, but allowed the subdivision of the property into two lots of about equal size. This approval was not pursued.

Application #21442-0

Applicant: Skyview Properties Inc
Decision Date: February 25, 1987
Proposal: To subdivide the 11.4 ha property into five lots of 2 ha.
Decision: Refused as proposed, but allowed a three lot subdivision. **The subdivision was concluded and the subject property is one of the resulting lots.**

RELEVANT APPLICATIONS:

Application #28972-0

Applicant: Skyview Properties Inc
Decision Date: June 29, 1994
Proposal: To exclude the 6.3 ha property for residential development.
Decision: Refused - on the grounds the land has agricultural capability.

Application #31857-0

Applicant: Skyview Properties Inc.

Decision Date: April 23, 1998

Proposal: To exclude 3.8 ha of the property to develop a residential subdivision. The agricultural remainder would be developed for agricultural purposes.

Decision: Refused – on the grounds that it would excessively reduce agricultural capability. However, the Commission allowed the exclusion of the northerly 2.6 ha for residential development, subject to buffering on the ALR boundary and the agricultural improvement of the remainder within the ALR.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The **City of Vernon** supported the application, subject to conditions associated with Ministry of Health requirements for septic disposal and consistency with section 946 of the *Local Government Act*.

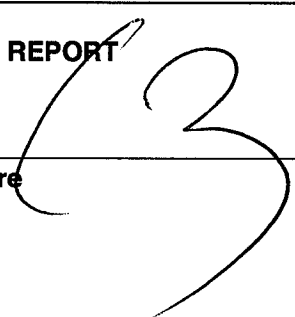
STAFF COMMENTS:

Staff recommends that the Commission consider the following:

- As parcels decrease in size, their agricultural potential decreases, as does the likelihood that they will be used for agriculture.
- Increasing the number of rural estate lots in this area will reduce the likelihood that any of the adjoining lands will be used for agriculture.

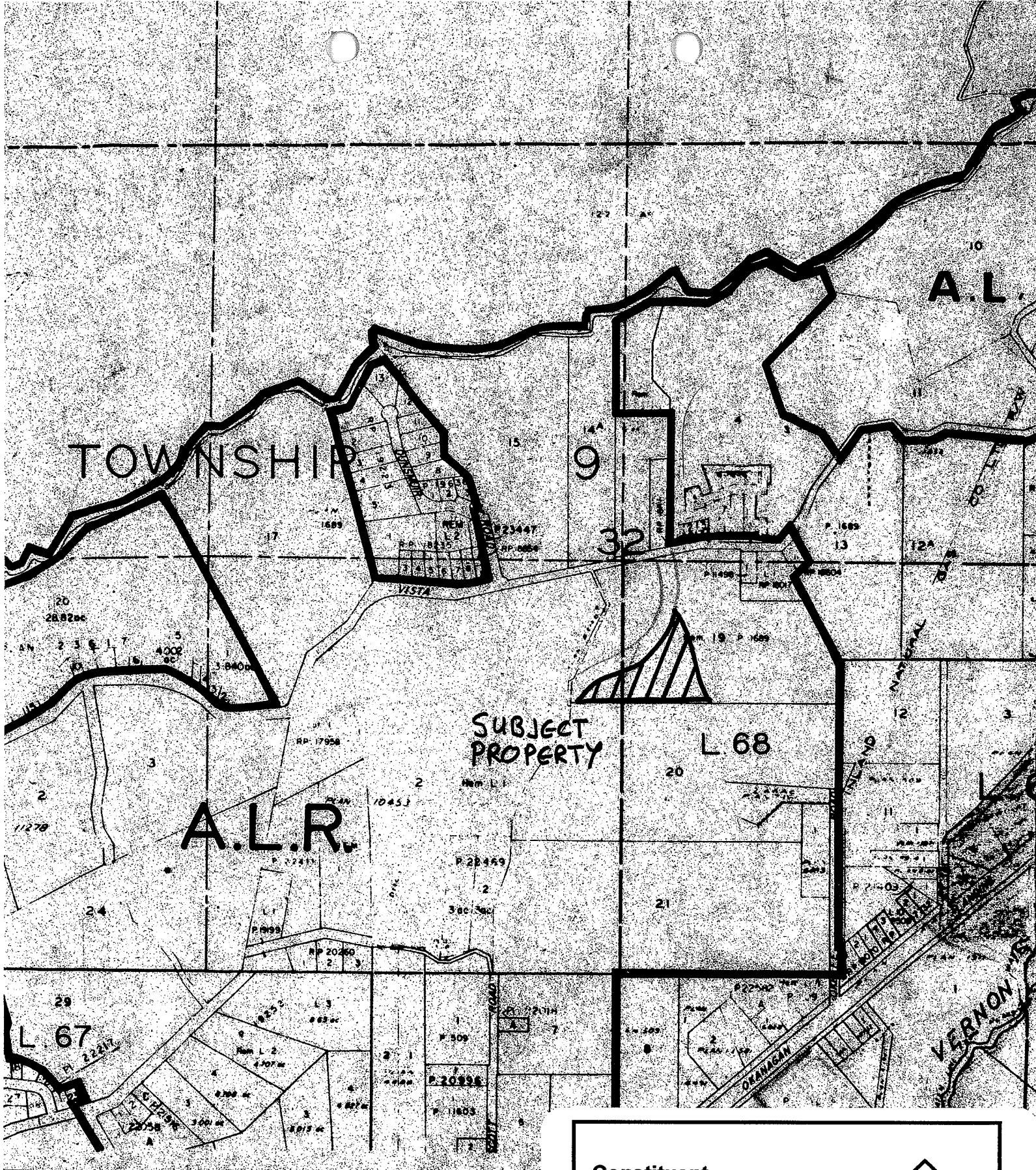
END OF REPORT

Signature



Date

Feb 21 1998



OKANAGAN

Constituent		↑
Map #	<u>13</u>	N
Scale: 1:40,000		
	1" = 800 ft.	