



Agricultural Land Commission
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May 5, 2006

Reply to the attention of Brandy Ridout
ALC File #T-36494

David & Louise Danskin
139 Bluenose Road
Vernon, BC V1B 3E7

Dear Mr. and Mrs. Danskin:

Re: **Application to subdivide in the Agriculture Land Reserve**

Please find attached the Minutes of Resolution #186/2006 outlining the Commission's decision as it relates to the above noted application.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

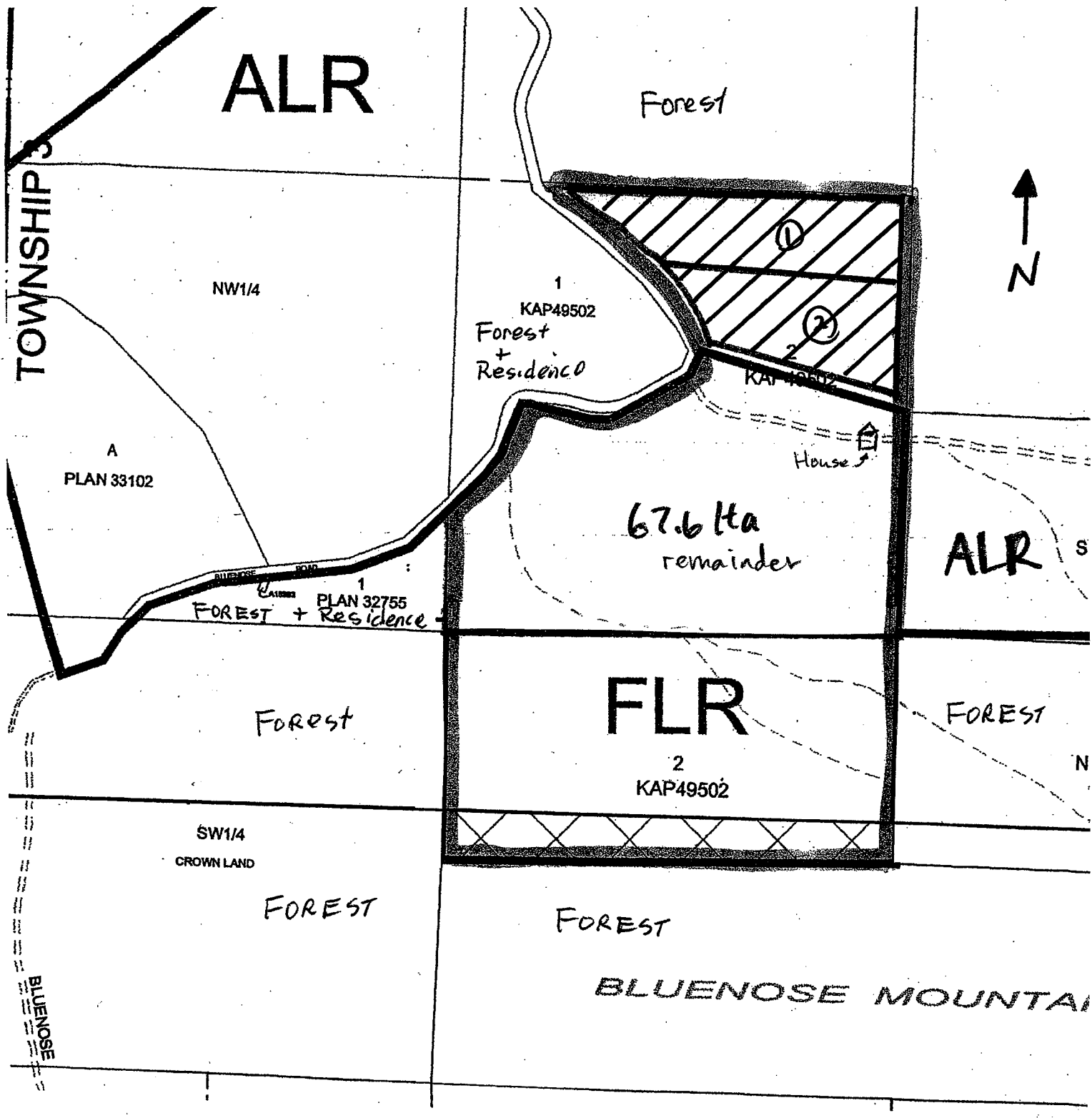
A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a white background.

Erik Karlsen, Chair

cc: Electoral Area 'D', North Okanagan
Regional District of North Okanagan - 05-0817-D-ALR

BR/lv/Encl.: Minutes
Sketch Plan

36494d1



Provincial Agricultural Land Commission
 Application #T-36494
 Resolution #196/2006



Subject property



Two (2) 8 ha lots approved for
 Subdivision in the ALR

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on April 20, 2006 at the Ministry of Agriculture and Lands office located at 1690 Powick Road, Kelowna, BC.

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

ABSENT: Sid Sidhu Commissioner

For Consideration

Application # T – 36494
Applicant(s) David & Louise Danskin
Proposal To subdivide the 16 ha ALR portion of the 83.6 ha subject property into two 8 ha lots.
Legal PID: 018-209-360
Lot 2, Section 7, Township 3, Osoyoos Division Yale District, Plan KAP49502
Location 139 Bluenose Road, Electoral Area 'D'

Site Inspection

A site inspection was conducted on April 19, 2006. Those in attendance were:

- Commissioners: Sue Irvine and Sharon McCoubrey
- Staff: Brandy Ridout and Martin Collins
- Applicants: Mr. and Mrs. Danskin
- Electoral Area 'D' Director Rick Fairburn

Mr. and Mrs. Danskin confirmed that they received the staff report dated March 28, 2006 and did not identify any errors. Additional information was provided to the Commissioners during the site visit in the form of a package containing details on application history, the land resource, related agricultural concerns, area concerns, other considerations and provincial interest.

Discussion

The Commission discussed Development Services' suggestion that any development be directed to the non-ALR portion so that the ALR portion could be maintained in one unit to allow a wider range of agricultural uses. The Commission agreed in principle with the suggestion and was pleased to see the concept being forwarded.

However, the site visit allowed the Commission to note that the land was severely limited by topography and stoniness. The Commission believed that the land had limited agricultural capability and that subdivision would have no impact on the potential agricultural use of the property.

Although the soil capability of the property was indicated by the applicants to be Class 3, the Commission's Agricultural Capability Map shows the property to have 70% Class 4, limited by topography and stoniness and 30% Class 5, limited by topography.

IT WAS

MOVED BY: Commissioner Irvine

SECONDED BY: Commissioner McCoubrey

THAT the application be approved

AND THAT the approval is subject to the subdivision being in substantial compliance with the plan submitted with the application.

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 #186/2006



Staff Report
Application # T – 36494
Applicant: David & Louise Danskin
Location: SE of Lavington

DATE RECEIVED: February 17, 2006

DATE PREPARED: March 28, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To subdivide the 16 ha ALR portion of the 83.6 ha subject property into two 8 ha lots.

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

BACKGROUND INFORMATION:

The property was considered during the ALR boundary review that took place in 2000/2001 and 49.2 ha of the property were excluded at that time. The remaining 16 ha that is still in the ALR is the area under application for subdivision.

The applicants state that the topography, stoniness and poor soil conditions limit the agricultural use of the 16 ha area of the property and it has not proven suitable for any type of crop use. They currently have a limited amount of cattle grazing on the property.

Local Government:

Regional District of North Okanagan

Legal Description of Property:

PID: 018-209-360

Lot 2, Section 7, Township 3, Osoyoos Division Yale District, Plan KAP49502

Purchase Date:

March 1995

Location of Property:

139 Bluenose Road, Electoral Area 'D', south of Highway 6, between Coldstream and Lumby

Size of Property:

83.6 ha (16 ha is in the ALR).

BACKGROUND INFORMATION (continued):

Present use of the Property:

Residence including workshop and garage, woodlot, trails, limited cattle grazing, nature preserve

Surrounding Land Uses:

WEST: ALR, residence on forested land
SOUTH: Non-ALR, Bluenose Mountain, forested Crown land
EAST: ALR, forested
NORTH: Non-ALR, forested, limited cattle grazing

Agricultural Capability:

Data Source: Development Services Report dated December 2, 2005
The majority of the ALR portion of the property is identified as Class 3, which is considered 'prime' with limiting factors of topography and stoniness.

Official Community Plan and Designation:

Electoral Areas 'D' and 'E' OCP Bylaw No. 1690 (2001)
Designation: Agricultural/Non-Urban

The Official Community Plan states that further amendments to the ALR boundary will not be considered by the Regional Board without appropriate soil analysis by a professional agrologist or a soil scientist, at the expense of the landowner.

Zoning Bylaw and Designation:

Zoning Bylaw No. 1888 (2003)
Designation: Non-Urban Zone (NU)
Minimum lot size: 7.2 ha

PREVIOUS APPLICATIONS:

FLR Application #00317-0

Applicant: Dave & Louise Danskin
Decision Date: April 14, 1999
Decision: Allowed designation as FLR. The property has managed forest plan acceptable to the BCAA and the balance is in the ALR with MF class

Application #33425-0

Applicant: Regional District of North Okanagan
Decision Date: October 24, 2000
Proposal: To exclude approximately 4,064 ha from the ALR in Electoral Areas 'D' and 'E'.
Decision: Refused as submitted, allowed the exclusion of approximately 3,660 ha because these lands had minimal agricultural capability due to soil, topographic factors or existing non farm uses and retained 404 ha in the ALR because they had agricultural capability.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District of North Okanagan Regional Board: Authorize submission to the Commission.

Development Services: Recommend that the application not be authorized for submission as this parcel has 67 ha of land outside the ALR that has subdivision potential. It is suggested that any development be directed to the non-ALR portion so that the ALR portion can be maintained in one unit, which will allow a wider range of agricultural uses.

STAFF COMMENTS:

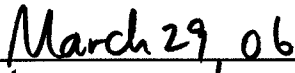
Staff suggests the Commission consider the following:

- The 2000/2001 ALR boundary reserve review excluded 49.2 ha of the property, leaving the 16 ha area under application as it was believed to have agricultural capability.
- Although staff concurs in general with Development Services' comments, a site visit would allow the Commission to better assess the impact of subdivision on the agricultural suitability of the property.

END OF REPORT



Signature



Date