



Agricultural Land Commission
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September 12, 2006

Reply to the attention of Brandy Ridout
ALC File #H-36579

Ralph Yonkman
2008 Dees Creek Road
Enderby, BC V0E 1V3

Dear Mr. Yonkman:

Re: Application to subdivide in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #419/2006 outlining the Commission's decision as it relates to the above noted application.

The Commission is in receipt your August 12, 2006 letter in which you provided documentation proving your qualification under the *Homesite Severance Policy*.

If you wish to pursue the Commission's alternate decision, please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that it is acceptable, 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', is written over a white background.

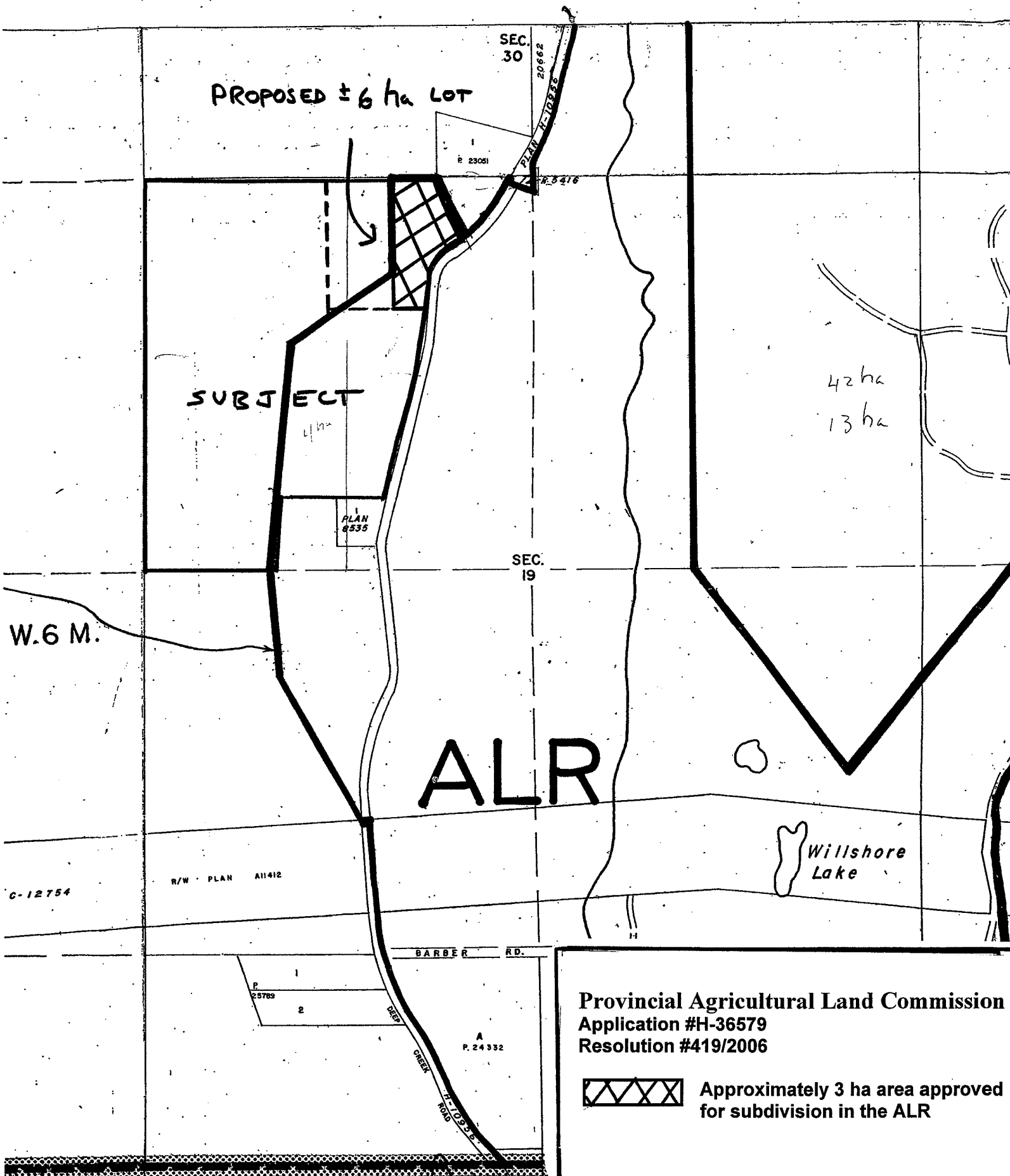
Erik Karlsen, Chair

cc: Regional District of Columbia Shuswap (# LC2332-D)

BR/lv/Encl.: Minutes
Sketch Plan

36579d1.

IONAL DISTRICT OF COLUMBIA - SHUS



Provincial Agricultural Land Commission
Application #H-36579
Resolution #419/2006



Approximately 3 ha area approved for subdivision in the ALR

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on August 1, 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

For Consideration

Application # H – 36579
Applicants Ralph Yonkman
Proposal To subdivide a 6 ha lot from the 39 ha property. About half of the proposed new lot would lie within the ALR.
Legal PID: 002-180-618
The North West ¼, Section 19, Township 18, Range 9, W6M, Kamloops Division of Yale District, EXCEPT Plans 5416, 8535, 35902, KAP52344 and KAP54943
Location 2008 Deep Creek Road, Electoral Area 'D'

Site Inspection

A site inspection was conducted on August 1, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey and Sid Sidhu
- Staff: Brandy Ridout
- Applicant: Ralph Yonkman

Mr. Yonkman confirmed that he had received the staff report dated April 4, 2006 and did not identify any errors.

Discussion

Discussions with the applicant onsite allowed the Commission to gain a better understanding of the proposal, namely the rationale behind the proposed lot layout. The applicant stated that he had configured the proposed 6 ha lot so as to provide access to the creek for water and to be able to locate a driveway in an area that would be acceptable to highways.

The Commission noted that the applicant qualified for consideration under the *Homesite Severance Policy* as he had owned and lived on the property since 1969. Although the application was not submitted as a homesite severance and thus documentation had not been provided with the application to prove qualification under the *Policy*, the Commission would consider the application as a homesite severance if documentation was provided.

The Commission considered the applicant's eligibility for a homesite severance and the size of the requested lot. Although the Commission typically prefers the subdivision of a small homesite lot in order to retain as much of the land with the farm unit as possible, in this case, it did not believe that a larger lot would have a negative impact on agriculture. However, if it was only prepared to allow an approximately 3 ha lot.

IT WAS

MOVED BY: Commissioner McCoubrey

SECONDED BY: Commissioner Irvine

THAT the application be refused as proposed.

AND THAT the subdivision of a 3 ha lot be allowed subject to the subdivision being in substantial compliance with the attached sketch.

AND THAT if the alternate subdivision is pursued, the Commission would consider the applicant's consideration under the *Homesite Severance Policy* to be fulfilled

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 #419/2006



Staff Report
Application # H – 36579
Applicant: Ralph Yonkman
Location: West of Enderby

DATE RECEIVED: March 29, 2006

DATE PREPARED: April 4, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To subdivide a 6 ha lot from the 39 ha property. About half of the proposed new lot would lie within the ALR.

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

BACKGROUND INFORMATION:

Several previous applications have been considered on the property.

About half of the property is not arable and does not lie within the ALR. However, a substantial area (about 8 ha) was included into the ALR in 1978 as part of a block inclusion application. The included bench area has good agricultural capability but has not been cleared or developed.

Local Government:

Columbia Shuswap Regional District

Legal Description of Property:

PID: 002-180-618

The North West 1/4, Section 19, Township 18, Range 9, W6M, Kamloops Division of Yale District, EXCEPT Plans 5416, 8535, 35902, KAP52344 and KAP54943;

Purchase Date:

1969

Location of Property:

2008 Deep Creek Road, Electoral Area 'D'

Size of Property:

39 ha

BACKGROUND INFORMATION (continued):

ALR Area:

Approximately 13 ha

Present use of the Property:

About 2- 3 ha is cleared and used for a homesite. The remainder of the property is forested.

Surrounding Land Uses:

WEST: Forested non ALR hillside
SOUTH: Rural residential lot in the ALR (predated the ALR)
EAST: Deep Creek Rd., and cultivated farmlands in the ALR
NORTH: Forested non ALR hillside

Agricultural Capability:

Data Source: Agricultural Capability Map # 82 L/11
The majority of the property is identified as having prime dominant ratings.

Official Community Plan and Designation:

No OCP exists in this area.

Zoning Bylaw and Designation:

Ranchero/Deep Creek Rural Land Use Bylaw #2100 zones the property as R Rural, which permits a minimum lot size of 60 ha.

PREVIOUS APPLICATIONS:

Application #27922-0

Applicant: R. Yonkman and D. Ruocco
Decision Date: 1993
Proposal: To subdivide a 2 ha area from the NW ¼ and consolidate it with an existing 1 ha rural residential parcel.
Decision: Originally refused, then reconsidered and approved.

Application #06797-0

Applicant: Columbia Shuswap Regional District
Decision Date: January 11, 1979
Proposal: Inclusion
Decision: Cabinet approved inclusion by OIC (131.2 ha).

Application #18235-0

Applicant: Ralph Yonkman
Decision Date: Aug. 21, 1984
Proposal: To exclude a 0.7 ha area from the 62 ha property and consolidate it with an adjoining rural residential parcel (1.4 ha in size). The 0.7 ha area is used to access the 1.4 ha lot, is topographically separated from the 62 ha property, and is not suitable for agriculture
Decision: Allow as requested (i.e. subject to consolidation)

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:


The Regional District of Columbia Shuswap forwarded the application with a recommendation of support, believing that the west side of Deep Creek road was better suited to hobby farm uses than lands on the east side because the arable areas were narrow and less extensive.

STAFF COMMENTS:

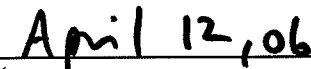
Staff suggests that the Commission consider the following.

- The agricultural capability maps show the 6 ha subdivision area as having good agricultural capability.
- The applicant may qualify for consideration under *Homesite Severance Policy*.
- The Regional District supports the application on the grounds lands west of Deep Creek Road have more limited capability for agriculture when compared to lands on the east side of the road due to the scale, shape and aspect of the arable areas.

END OF REPORT



Signature



Date