



Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
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August 9, 2006

Reply to the attention of Brandy Ridout
ALC File #T-36758

John & Elnora Breikreutz
5775 Silver Star Road
Vernon, BC - V1B3P6

Dear Mr. & Mrs. Breikreutz:

Re: Application to subdivide in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #396/2006 outlining the Commission's decision as it relates to the above noted application.

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 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: Regional District of North Okanagan - 06-0085-C-ALR

BR/eg/Encl.: Minutes
Sketch Plan

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 # T – 36758
Applicant(s) John & Elnora Breitreutz
Proposal To subdivide a 0.4 ha homesite lot from the 1.9 ha subject property under the *Homesite Severance Policy*.
Legal PID: 012-059-188
Location Lot 36, Section 12, Township 8, Osoyoos Division Yale District, Plan 780
5775 Silver Star Road, Vernon

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
- Applicants: John & Elnora Breitreutz
- Al Breitreutz, son

Mr. Breitreutz confirmed that he had received the staff report dated July 14, 2006 and did not identify any errors.

Discussion

Although the applicants qualify for the subdivision of a homesite lot under the *Homesite Severance Policy*, the Commission was concerned that the subdivision of a 0.4 ha lot, as requested, would negatively affect the agricultural capability of the remainder. Therefore, the Commission would only allow the subdivision of an approximately 0.2 ha homesite lot.

IT WAS

MOVED BY: Commissioner Sidhu

SECONDED BY: Commissioner Irvine

THAT the application be refused as proposed

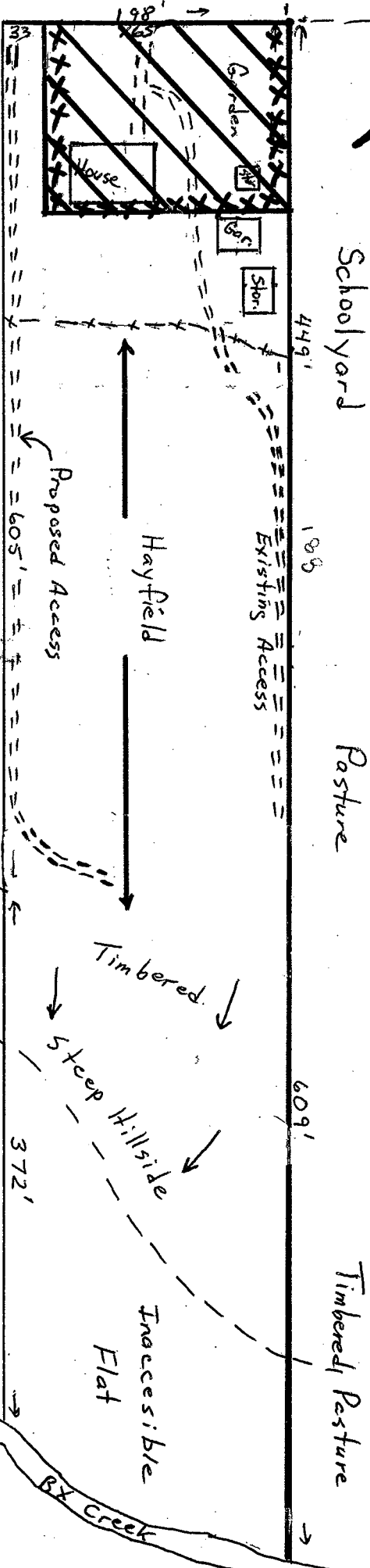
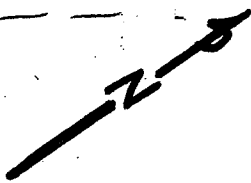
AND THAT the Commission would approve an approximately 0.2 ha lot subject to the following conditions:

- the subdivision be in substantial compliance with the attached sketch,
- the construction of a fence and installation of a vegetative buffer around the new homesite lot for the purpose of limiting its impact on the remaining farm unit. Fencing and buffering plans should be submitted to the Commission for approval, and
- Rescission of Resolution #7167/1977 (application #T-05193).

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 #396/2006**

Silver Star Rd.



Schoolyard

Pasture

Timbered Pasture

N Bdy 1058 ft. Total

S. Bdy 977 ft. Total

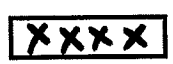
Lot 36 Plan 780 Sec 12 T.P.8

ODYD

Provincial Agricultural Land Commission
 Application #T-36758
 Resolution #396/2006



Approximately 0.2 ha area approved for subdivision in the ALR



Location of fencing and buffer vegetation



Staff Report
Application # T – 36758
Applicant: John & Elnora Breitreutz
Location: northeast of Vernon

DATE RECEIVED: June 15, 2006

DATE PREPARED: July 14, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To subdivide a 0.4 ha homesite lot from the 1.9 ha subject property under the *Homesite Severance Policy*.

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

BACKGROUND INFORMATION:

The applicant is prepared to amend the homesite location to an area which has extremely limited or no agricultural value (the steep hillside).

Local Government:

Regional District of North Okanagan

Legal Description of Property:

PID: 012-059-188
Lot 36, Section 12, Township 8, Osoyoos Division Yale District, Plan 780

Purchase Date:

April 16, 1958

Location of Property:

5775 Silver Star Road, Vernon

Size of Property:

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

Present use of the Property:

Residence, detached garage, shed, three-bay equipment storage building, hayfield, timbered pastureland.

BACKGROUND INFORMATION (continued):

Surrounding Land Uses:

WEST: Silver Star Road, fire hall across the road
SOUTH: Orchard
EAST: Steep hillside
NORTH: School grounds, pasture

Agricultural Capability:

Data Source: Agricultural Capability Map # 82L.024
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

Rural Vernon OCP Bylaw No. 1708 (2003)
Designation: Agricultural/Major Road/Development Permit Area

Zoning Bylaw and Designation:

Zoning Bylaw No. 1888 (2003)
Designation: Country Residential Zone (C.R.)
Minimum Lot Size: 2 ha

PREVIOUS APPLICATIONS:

Application #05193-0

Applicant: John & Elnora Breitzkreutz
Decision Date: October 4, 1977
Proposal: To do a boundary line adjustment between the two properties (Lot 37 - 1.9 ha, and Lot 38 - 1.7 ha) to leave the orchard with the present home and the pasture land on a separate title with space at the top of the hill for a residence.
Decision: Allowed (**subdivision never finalized**)

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District of North Okanagan Board: Authorized for submission subject to the inclusion of a sketch showing the proposed location of the dwelling along with comments that the proposed residence would be situated on non-farmable land closer to the creek bank.

Area 'C' Advisory Planning Commission: Supports as the applicant was willing to relocate the proposed residence to the bank of the property above the creek.

Development Services: Recommend the application not be authorized for submission as the proposed subdivision is on land classed as "prime" for agricultural uses.


Electoral Area Services Commission: Supports.

STAFF COMMENTS:

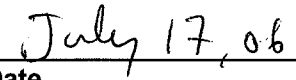
Staff suggests the Commission consider the following:

- The applicants appear to be eligible under the *Homesite Severance Policy* as they have owned and lived on the property since 1968.
- The proposed homesite lot is larger than the 0.2 ha that the Commission prefers. A site inspection will ascertain whether a smaller parcel is feasible.

END OF REPORT



Signature



Date