



Agricultural Land Commission
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November 20, 2006

Reply to the attention of Brandy Ridout
ALC File: V-36993

George and Marian Webster
RR1 - Site 18B, Comp 1
Oliver, BC V0H1T0

Dear Mr. and Mrs. Webster:

Re: Application to subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #569/2006 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', is written over the printed name.

Erik Karlsen, Chair

cc: Regional District of Okanagan-Similkameen (C06-05462-000-010)

Enclosure: Minutes/Sketch Plan

BR/eg
i/36993d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 10, 2006 in Vernon, BC.

PRESENT:	Sue Irvine	Chair, Island Panel
	Sharon McCoubrey	Commissioner
	Sid Sidhu	Commissioner
	Brandy Ridout	Staff

For Consideration

Application: # V- 36993
 Applicant: George and Marian Webster
 Proposal: To realign the boundaries of Lot 156, Plan 1728 and Lot 1, Plan KAP50218 by removing existing lot lines around a formerly severed home site and creating new lot lines around the family home for a parcel of approximately 2,500 square metres.

Legal:

1. PID: 011-371-307
 Lot 156, District Lot 2450s, Similkameen Division Yale District, Plan 1728, EXCEPT Plan KAP50218
2. PID: 018-336-451
 Lot 1, District Lot 2450s, Similkameen Division Yale District, Plan KAP50218

Location: 33692 and 33696 - 95th Street, Oliver

Site Inspection

No site inspection was conducted.

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

Assessment of Impact on Agriculture

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land. The previous approval on the subject property (application #V-21687) allowed the subdivision of the applicant's homesite under the *Homesite Severance Policy*. The applicant had remained in the homesite and sold the remainder to her son. As the original applicant no longer lives on the property, the current request

is to rejoin the old homesite to the farm and subdivide the son's newly built house. The Commission did not believe that the proposal would impact agriculture if the proposed new lot was fenced and buffered.

IT WAS

MOVED BY: Commissioner Irvine

SECONDED BY: Commissioner McCoubrey

THAT the application be approved on the grounds that it would have no impact on agriculture.

AND THAT the approval is subject to the following conditions:

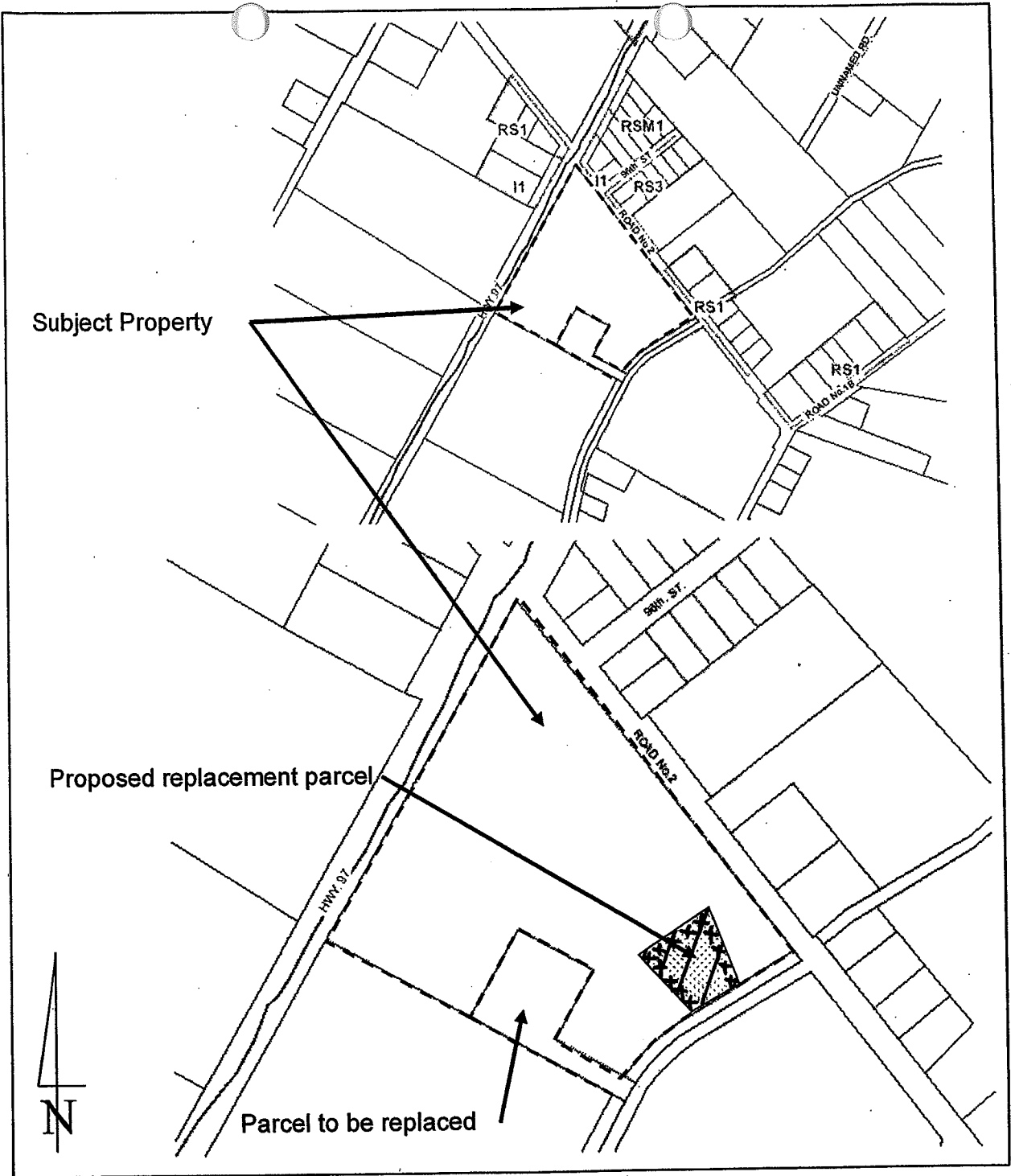
- the subdivision be in substantial compliance with the plan submitted with the application
- the construction of a fence for the purpose of limiting its impact on the remaining farm unit. Fencing and buffering plans should be submitted to the Commission for approval.

AND THAT the approval is granted to the applicant only and is valid for three (3) years from the date of this decision.

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 #569/2006



Provincial Agricultural Land Commission
Application #V-36993
Resolution #569/2006



approximately 0.2 ha area approved for subdivision in the ALR subject to the consolidation of Lot 1 Plan KAP50218 with the Remnant of Lot 156 Plan 1728



Location of fencing and buffer vegetation



Staff Report
Application # V – 36993
Applicant: George and Marian Webster
Agent: George Webster
Location: Oliver

DATE RECEIVED: October 6, 2006

DATE PREPARED: October 25, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To realign the boundaries of two lots by removing existing lot lines around a formerly severed 0.25 ha homesite and creating new lot lines around the family home to create an approximately 0.25 ha lot.

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

BACKGROUND INFORMATION:

Under application #V-26186, the Commission allowed the subdivision of a 0.25 ha homesite lot. The applicants now propose to rejoin that lot to the parent parcel and subdivide a 0.25 ha lot around the new house that has been built on the remainder.

Local Government:

Regional District of Okanagan-Similkameen

Legal Description of Property:

1. PID: 011-371-307
Lot 156, District Lot 2450s, Similkameen Division Yale District, Plan 1728, Except Plan KAP50218
2. PID: 018-336-451
Lot 1, District Lot 2450s, Similkameen Division Yale District, Plan KAP50218

Purchase Date:

Lot 156 - 1929
Lot 1 - 1993

Location of Property:

33692 and 33696 - 95th Street, rural Oliver

BACKGROUND INFORMATION (continued):

Size of Property:

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

Present use of the Property:

Orchard and Residence

Surrounding Land Uses:

WEST: Commercial
SOUTH: Garden Center and Ground Crops
EAST: Orchard
NORTH: Residential

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E.013
The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

Oliver Rural OCP Bylaw No. 2122 (2002)
Designation: Agriculture

Zoning Bylaw and Designation:

Electoral Area 'C' Zoning Bylaw: 2123 (2002)
Designation: Agricultural One Zone (AG1)
Minimum Lot Size: 4 ha

PREVIOUS APPLICATIONS:

Application #21686-0

Applicant: Muriel Webster
Decision Date: January 27, 1988
Proposal: To subdivide a 0.3 ha homesite lot from the 4 ha subject property.
Decision: Allowed - the applicant qualifies under the *Homesite Severance Policy*.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District of Okanagan Similkameen: Forwarded to Electoral Area 'C' Director.

RDOS Development Services Department: The boundary adjustment creates no new parcels as the 1988 homesite lot will be dissolved and replaced by the proposed homesite lot.

STAFF COMMENTS:

Staff suggests the Commission consider the following:

- No additional lots will be created by the proposal.
- The requested homesite lot will be the same size as the existing homesite lot.
- Fencing and buffering would reduce the impact of the proposed lot on the agricultural remainder.

ATTACHMENTS:

- ALR Constituent map #19
- Map showing existing and proposed lots (provided by Regional District)
- Subdivision plan (provided by applicants)
- Air photo (provided by Regional District)

END OF REPORT

Signature



Date

Oct 30, 06