



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604-660-7000
Fax: 604-660-7033
www.alc.gov.bc.ca

April 18, 2007

Reply to the attention of Brandy Ridout
ALC File: #V - 37256

Henry and Mary Shaw
881 Lochore Road
Penticton, BC V2A 6J6

Dear Mr. and Mrs. Shaw:

Re: Application to subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 105/2007 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

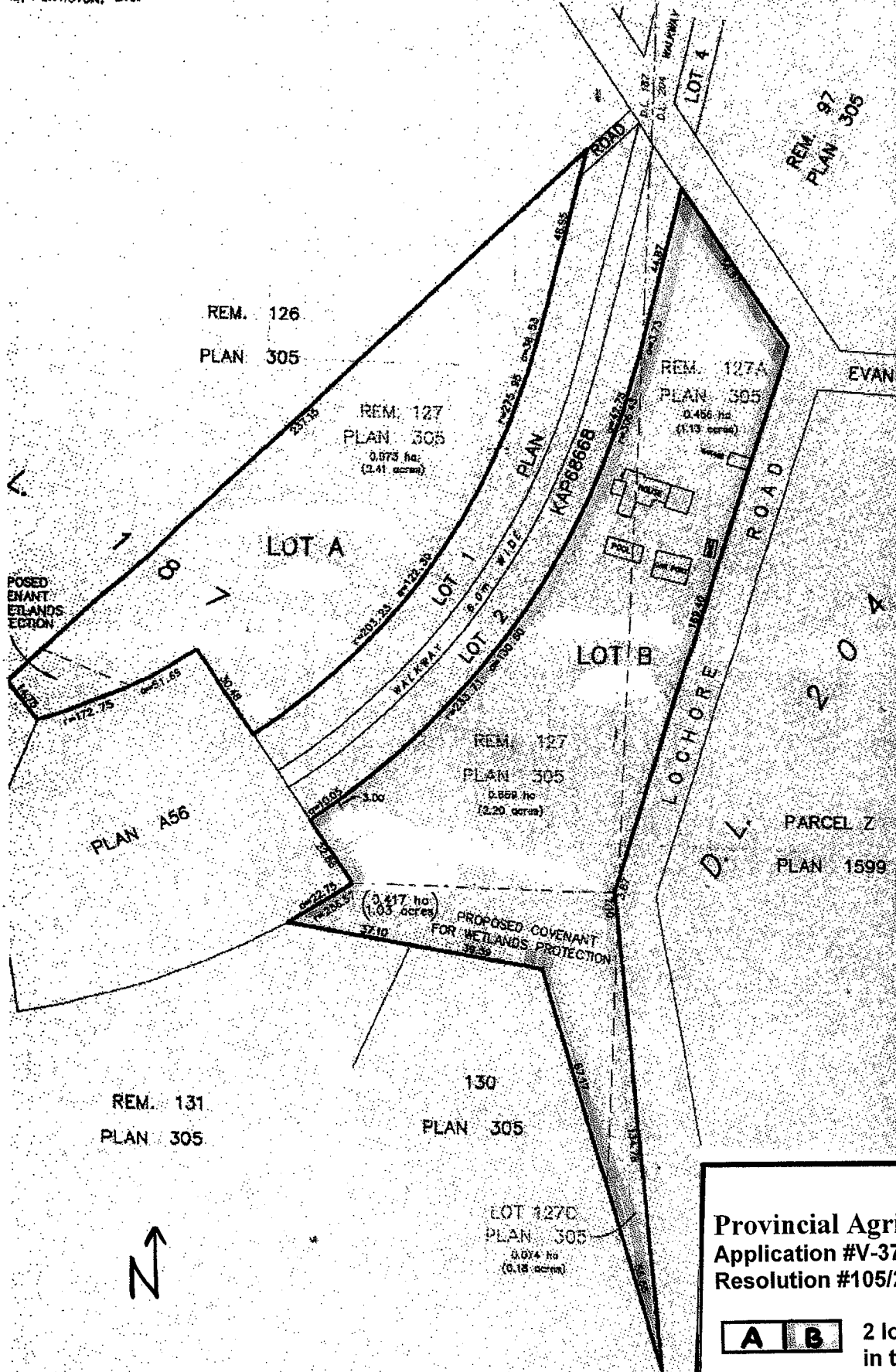
Per:

Erik Karlsen, Chair

cc: City of Penticton (#ALR06-8249)

Enclosure: Minutes/Sketch Plan

BR/lv
37256d1



Provincial Agricultural Land Commission
Application #V-37256
Resolution #105/2007



2 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 March 29, 2007 in Vernon, BC.

PRESENT: Sue Irvine
Sid Sidhu
Monika Marshall
Brandy Ridout
Martin Collins

Chair, Okanagan Panel
Commissioner
Commissioner
Staff
Staff

For Consideration

Application: # V- 37256
Applicant: Henry and Mary Shaw
Proposal: To adjust the boundaries between the three subject properties (0.074 ha, 0.456 ha and 1.86 ha) to create two lots (1.4 ha and 1 ha), correct a building encroachment, and enable the construction of a new home on the proposed 1.4 ha lot.

Legal:

1. PID: 012-530-344
Lot 127, District Lot 187, Similkameen Division Yale District, Plan 305, EXCEPT Plan A70
2. PID: 012-530-352
Lot 127A, District Lot 204, Similkameen Division Yale District, Plan 305, EXCEPT Plan A70
3. PID: 012-530-361
Lot 127C, District Lot 204, Similkameen Division Yale District, Plan 305

Location: 881 Lochore Road, Penticton

Site Inspection

A site inspection was not 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

The Commission noted that the applicants had indicated a willingness to configure the lots to have Lot A be wholly on the east side of the railway and Lot B be wholly on the west side of the railway. As such, the Commission had no objection to the boundary adjustment because it created one lot on each side of the KVR right of way (linear park trail). Also, the proposal corrected a building encroachment and rationalized the boundaries of the properties which would permit them to be used for residential and/or agricultural purposes.

IT WAS

MOVED BY: Commissioner Sidhu
SECONDED BY: Commissioner Irvine

THAT the application to reconfigure the boundaries between the three properties to create one lot on each side of the right of way be allowed

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the attached sketch
- the subdivision must be completed within 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 # 105/2007



Staff Report
Application # V – 37256
Applicant: Henry and Mary Shaw
Location: Penticton

DATE RECEIVED: February 28, 2007

DATE PREPARED: March 19, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To adjust the boundaries between the three subject properties (0.07 ha, 0.46 ha and 1.86 ha) to create two lots (1.4 ha and 1 ha), correct a building encroachment, and enable the construction of a new home on proposed Lot A.

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

BACKGROUND INFORMATION:

The applicants have stated that the proposed lot configuration was intended to meet minimum lot requirements and to have the covenant for wetland protection be on a single title. However, they have indicated a willingness to configure the lots to have Lot A be wholly on the east side of the railway and Lot B be wholly on the west side of the railway.

Local Government:

The City of Penticton

Legal Description of Properties:

1. PID: 012-530-344
Lot 127, District Lot 187, Similkameen Division Yale District, Plan 305, EXCEPT Plan A70
2. PID: 012-530-352
Lot 127A, District Lot 204, Similkameen Division Yale District, Plan 305, EXCEPT Plan A70
3. PID: 012-530-361
Lot 127C, District Lot 204, Similkameen Division Yale District, Plan 305

Purchase Date:

1989/1993

Location of Properties:

881 Lochore Road, Penticton

BACKGROUND INFORMATION (continued):

Size of Properties:

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

Present use of the Properties:

Residence, farmland, farm outbuildings and wasteland due to wetlands and ravines

Surrounding Land Uses:

WEST: Residence, outbuildings and farmland

SOUTH: Residence, outbuildings and farmland

EAST: Residence, outbuildings and farmland

NORTH: Residence, outbuildings and farmland

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E.053

The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

OCP: Bylaw No. 2002-20

Designation: Agriculture

Zoning Bylaw and Designation:

Zoning: Bylaw No. 87-65

Designation: Agriculture

Minimum Lot Size: 2 ha with exception under Section 35(g) "Where a parcel is situated within an ALR...and a subdivision has been approved by the ALC, creating no more than one additional lot located in the ALR, the lots within the ALR may be exempted from the minimum parcel size requirements of the zone in which they are situated."

RELEVANT APPLICATIONS:

Application #37230-0

Applicant: Margaret Szel

Decision Date: Application currently before the Commission.

Proposal: To adjust the boundaries between a 1.8 ha lot and a 0.2 ha lot to create a 0.2 ha lot with a more suitable building site and a 1.8 ha remainder.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

City of Penticton Council: Forwarded the application with a recommendation of support.

Agriculture Advisory Committee: Recommends that the application be supported (it was felt that it made more sense that all land east of the KVR right-of-way be one lot and all land west of the right-of-way be another).

City Planning Staff: The proposed lot line adjustment removes a building encroachment, eliminates an unusable lot, does not create any additional parcels and has merit (it appears more appropriate to include all of the land east of the KVR in Lot B).

STAFF COMMENTS:

- Although two of the subject properties are large enough to build a house on, the existing house lies partly on both lots, preventing the construction of a second house. The existing house would have to be moved to build on the second lot.
- The proposal would eliminate one lot.
- Both proposed lots have road access.
- From the air photo, it appears as if the proposed covenant area is mainly gully.
- The railway is a potential impediment to farming.

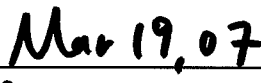
ATTACHMENTS:

- ALR Base Map #82E/12
- ALR Constituent Map #10
- Proposed subdivision plan
- Air photo

END OF REPORT



Signature



Date