



**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 11, 2006

Reply to the attention of Brandy Ridout

John and Mary Bullock  
2850 Dunster Rd.  
Kelowna, B.C. V1W 4H4

Dear Sir/Madam

**Re: Application # G-36301**  
**Parcel Z, Section 22, Twp. 25 ODYD, Plan 1700, Except Plan 21138**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide one (1) lot of approximately 0.8 ha from the property in accordance with its *Homesite Severance Policy* (copy attached). The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank you for taking the time to meet with its representatives on Wednesday December 7, 2005. The Commission apologizes for the delay in communicating its decision to you. However, the additional material it required was only forwarded to this office in March of 2006.

The Commission writes to advise that it approved your application subject to:

- the subdivision being in substantial compliance with the attached plan.
- the construction of a wire fabric fence around the perimeter of the new lot (excluding the panhandle). The purpose of the fence is to discourage trespass onto the farm remnant.
- the planting of vegetation screen around the homesite area for a visual and spray buffer between the farm property and homesite. The Commission recalled that some hedge/buffering exists. Please forward a buffering plan for the Commission's review.
- that the homesite lot not be sold for five (5) years except in the case of estate settlements. The Commission requires your commitment in this regard which can be done by signing below and returning to our office a copy of the letter. The Commission requires your commitment prior to it approving deposit of the subdivision plan.
- that you obtain Commission approval for an increase in the size of the homesite lot or a change in its location deemed necessary by other approval agencies.
- compliance 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. The Commission suggests you contact the City of Kelowna at your earliest convenience.

The decision noted above is recorded as Resolution #687/2005.

If you wish to proceed on this basis please undertake the following steps:

1. Commence approval procedures of other agencies that must approve the subdivision.
2. Have a surveyor prepare the subdivision plan.
3. Obtain recent State of Title Certificate for the property.
4. Prepare a "Transfer of an Estate in Fee Simple" document indicating the transfer of the remainder of the property from you to the purchaser.
5. Prior to approaching the Registrar of Land Titles to register the subdivision please submit the following to this office:
  - a) two (2) paper prints of the plan of subdivision
  - b) the State of Title Certificate
  - c) a copy of the "Transfer of an Estate in Fee Simple" document
  - d) your signed commitment that the homesite lot will not be sold for five (5) years except in the case of estate settlements.

When all the required documentation has been received the Commission will authorize the Registrar of Land Titles to accept the application for deposit of the subdivision plan.

Please quote your application number in any future correspondence.

Yours truly

PROVINCIAL AGRICULTURAL LAND COMMISSION

per:

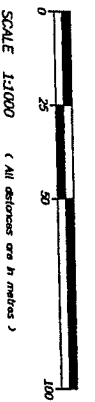
K. B. Miller, Chief Executive Officer

cc: City of Kelowna, File: A05-0009  
Tom Smithwick, Q.C. #200 – 1465 Ellis St. Kelowna, B.C. V1Y 2A3

Enclosure:

Sketch Plan  
Homesite Severance Policy

BR/eg  
I/36301d1



Total Area  
Lot A  
084 ha

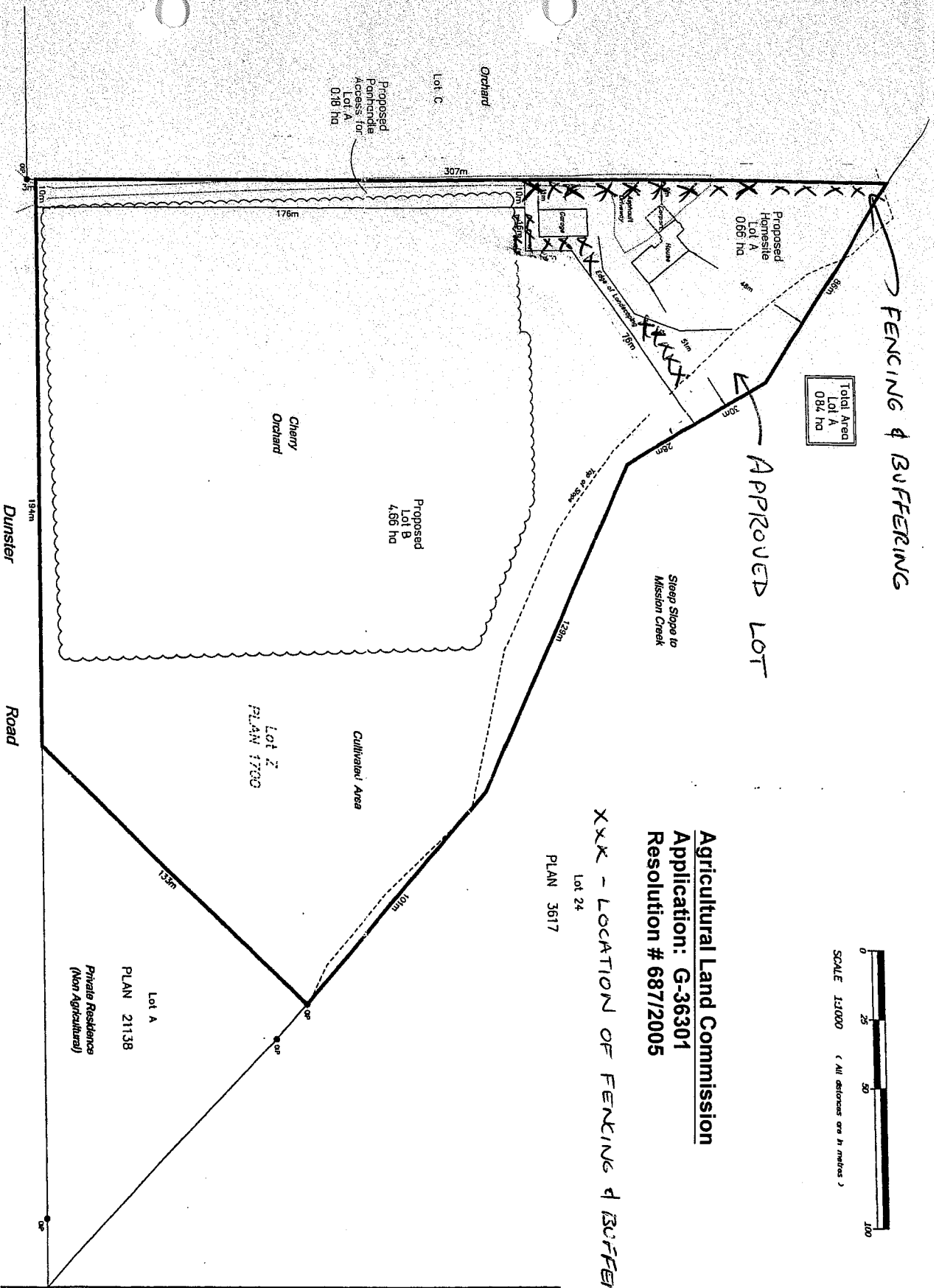
FENCING & BUFFERING

APPROVED LOT

**Agricultural Land Commission**  
Application: G-36301  
Resolution # 687/2005

XXX - LOCATION OF FENCING & BUFFERING

Lot 24  
PLAN 3617



**PROPOSED HOMESITE SEVERANCE SKETCH OF LOT Z,  
PLAN 1700, SECTION 22, TOWNSHIP 26, O.D.Y.D.  
EXCEPT PLAN 21138**

DRAWN BY:	RUNNALLS DENBY		SCALE:	1:1000	
	British Columbia land surveyors 22-370 Vale Street Kelowna, B.C. V1Y 1J5 Phone: (250)763-7322 Fax: (250)763-4413 Email: denby@runnalls.com			DATE:	MAY 5, 2004
CUSTOMER:	BULLOCK		DWG:	11310_SKETCH.DWG	
	FILE NO:	11310	REV:	0	

**MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION**

**Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on Thursday, December 8<sup>th</sup>, 2005 at the offices of the Ministry of Agriculture and Lands located at 4607 23<sup>rd</sup> St. Vernon, B.C.**

**PRESENT:** Sue Irvine Chair  
Sharon McCoubrey Commissioner

**ABSENT:** Sid Sidhu Commissioner

**STAFF:** Brandy Ridout, Regional Research Officer  
Martin Collins, Planner

**For Consideration**

Brandy Ridout presented the staff report dated October 28<sup>th</sup> 2005 regarding application #G-36301. Mr Bullock confirmed that he received the staff report and did not identify any errors.

**Site Inspection**

A site inspection was conducted on Wednesday, December 7<sup>th</sup>, 2005. Those in attendance were:

- Commissioners Irvine & McCoubrey
- Agricultural Land Commission Staff: Brandy Ridout, Regional Research Officer and Martin Collins, Planner

The site inspection lasted from 9:15 a.m. to 9:45 a.m.

**Commission Discussion**

The Commission recalled Mr Bullock's explanation that although he had not purchased the property outright prior to 1972, he was involved in the 1972 purchase with his parents, and moved onto the property shortly thereafter. Based on this, the Commission considered this application to be in the spirit of Homesite Severance Policy, and similar to others it had reviewed in recent years in the Kelowna area; where parents and children had informally purchased orchards together (prior to 1972) because the children did not have sufficient equity to purchase their own land. The Commission noted that no written information was provided in the file material that confirmed Mr Bullock's remarks made at the site visit. It requested that additional verification be provided, (i.e. financial information or an affidavit confirming Mr Bullock's pre-1973 involvement in purchasing the property). Upon receipt of the written confirmation the Commission would issue the decision.

**IT WAS**

**MOVED BY:** Commissioner S. Irvine  
**SECONDED BY:** Commissioner S. McCoubrey

THAT the staff report be received and the application to subdivide a 0.8 ha lot from the 5.5 ha property be approved subject to Homesite Severance Policy conditions, and fencing and vegetative screening of the 0.8 ha lot from the farm remnant.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



WED DEC 7/05  
687/05

**Staff Report**  
**Application # G – 36301-0**  
**Applicant: John & Mary Bullock**  
**Agent: Tom Smithwick**  
**Location: Kelowna**

**DATE RECEIVED:** October 28, 2005

**DATE PREPARED:** November 21, 2005

**TO:** Chair and Commissioners – Okanagan Panel

**FROM:** Brandy Ridout, Regional Research Officer

**PROPOSAL:** To subdivide a 0.8 ha lot from the 5.5 ha subject property as per the *Homesite Severance Policy*.

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

**BACKGROUND INFORMATION:**

As the applicants did not have sufficient resources in 1972 to purchase their own land to start a farming operation, Mr. Bullock's parents agreed to buy the subject property with the understanding that it would be sold to the applicants when they were able to afford its purchase. The applicants purchased the property from Mr. Bullock's parents in 1976 and built a home on the property that same year.

**Local Government:**

City of Kelowna

**Legal Description of Property:**

PID: 011-353-104

Parcel Z, Section 22, Township 26, Osoyoos Division Yale District, Plan 1700, Except Plan 21138

**Purchase Date:**

January 1976

**Location of Property:**

2850 Dunster Road, Kelowna

**Size of Property:**

5.5 ha (The entire property is in the ALR)

**BACKGROUND INFORMATION (continued):**

**Present use of the Property:**

Cherry orchard (to be replanted), single-family residence, garage.

**Surrounding Land Uses:**

**WEST:** Orchard  
**SOUTH:** Large agricultural holdings  
**EAST:** Single family residence  
**NORTH:** Steep slope to Mission Creek

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82E.083  
The majority of the property is identified as having Mixed Prime and Secondary ratings.

**Official Community Plan and Designation:**

City of Kelowna Official Community Plan  
Designation: Rural/Agricultural

**Zoning Bylaw and Designation:**

City of Kelowna Zoning Bylaw No. 8000  
Designation: Agricultural (A1)  
Minimum Lot Size: 2 ha

**PREVIOUS APPLICATIONS:**

**Application #22451-0**

**Applicant:** L.O.R.A.  
**Decision Date:** August 24, 1988  
**Proposal:** To exclude 186 parcels of land totalling 1220 ha.  
**Decision:** Refused. Decision to refuse upheld by ELUC.

**RELEVANT APPLICATIONS:**

**Application #35325-0**

**Applicant:** Robert Holitzki  
**Decision Date:** June 2, 2004  
**Proposal:** To subdivide a 0.6 ha lot from the 8.2 ha subject property to allow the applicant to remain on the property in his home and to sell the agricultural remnant to his neighbour to the south.  
**Decision:** Allowed - subject to the provisions of *Homesite Severance Policy* on the grounds the applicant had an interest in the property prior to 1972.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**City of Kelowna Municipal Council:** Forwarded the application with support

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS (continued):**

**Planning and Development Services:** Unable to support the application because the December 21, 1972 threshold for ownership cannot be met.

**Agriculture Advisory Committee:** Supported application.

**STAFF COMMENTS:**

Staff suggests that the Commission consider the following:

- Application #35325-0 was approved on the grounds the applicant had an interest in the property prior to 1972.

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**END OF REPORT**

Signature

Date

Nov 23/05