



Agricultural Land Commission
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August 10, 2006

Reply to the attention of Brandy Ridout
ALC File #G-36567

Inez Palatin
1707 Morrison Road
Kelowna, BC - V1X 4W4

Dear Mrs. Palatin:

Re: Application to subdivide in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #325/2006 outlining the Commission's decision as it relates to the above noted application.

If you wish to pursue the Commission's alternate approval, 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 a white background.

Erik Karlsen, Chair

cc: City of Kelowna – Your File#A05-0002

BR/eg/Encl.: Minutes

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on June 28, 2006 in Kelowna, BC.

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

For Consideration

Application # G – 36567
Applicants Inez Palatin
Proposal To subdivide a 0.4 ha homesite lot from the 5.9 ha subject property under the *Homesite Severance Policy*.
Legal PID: 005-381-959
Lot B, Section 36, Township 26, Osoyoos Division Yale District, Plan 25654
Location 1707 Morrison Road, Kelowna

Site Inspection

A site inspection was conducted on May 24, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey and Sid Sidhu
- Staff: Brandy Ridout and Martin Collins
- Applicant: Inez Palatin
- Applicant's daughter: Janine Palatin

Ms. Palatin confirmed that she had received the staff report dated May 16, 2006 and did not identify any errors.

Discussion

At the site visit, the Commission requested information to confirm ownership of the property pre-December 21, 1972. The application indicated that they would provide various historical documents including an affidavit that she and her husband had begun purchase of the property in 1971. As such, the Commission would allow the subdivision of a homesite lot. However, 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 a 0.2 ha homesite lot.

IT WAS

MOVED BY: Commissioner Irvine
SECONDED BY: Commissioner McCoubrey

THAT the application be refused as proposed

AND THAT the Commission would allow the subdivision of a 0.2 ha homesite lot subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application,
- the construction of a fence and installation of a vegetative buffer around the new 0.2 ha 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.

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 #325/2006**



Staff Report
Application # G – 36567
Applicant: Martin & Inez Palatin
Location: Kelowna

DATE RECEIVED: March 23, 2006

DATE PREPARED: May 16, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To subdivide a 0.4 ha homesite lot from the 5.9 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 Palatin family has been farming the subject property since Martin Palatin's parents purchased it in 1953. The title submitted with the application indicates that the property has been in the applicants' personal ownership since February 1992.

Under a previous subdivision application it was noted that the applicant did not appear to qualify for consideration pursuant to the *Homesite Severance Policy*. No information was provided with the current application to prove that the applicant meets the requirements of the *Policy* – namely ownership before December 21, 1972.

Local Government:

City of Kelowna

Legal Description of Property:

PID: 005-381-959

Lot B, Section 36, Township 26, Osoyoos Division Yale District, Plan 25654

Purchase Date:

February 1992

Location of Property:

1707 Morrison Road, Kelowna

Size of Property:

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

BACKGROUND INFORMATION (continued):

Present use of the Property:

Orchard, two residences, one picker's cabin, horses.

Surrounding Land Uses:

WEST: ALR, hay
SOUTH: ALR, orchard
EAST: Non-ALR, residential
NORTH: ALR, orchard

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E.094
The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

Kelowna 2020 - Official Community Plan
Future Land Use Designation: "Rural/Agricultural"

Zoning Bylaw and Designation:

Zoning Bylaw No. 8000
Designation: Agriculture 1 (A1)
Minimum lot size: 2 ha

PREVIOUS APPLICATIONS:

Application #22451-0

Applicant: L.O.R.A.
Decision Date: August 24, 1988
Proposal: Exclude 186 parcels of land totalling 1220 ha in area.
Decision: Refused. Decision upheld by ELUC.

Application #27291-0

Applicant: Martin & Inez Palatin
Decision Date: March 12, 1993
Proposal: To subdivide the property into two lots - 1 x 2 ha and 1 x 4 ha.
Decision: Refused due to agricultural capability and impact.

Application #32333-0

Applicant: Martin & Inez Palatin
Decision Date: June 20, 2002
Proposal: To subdivide the property into two parcels - one 2 ha and one 4 ha lots. The son of the applicant would live in the existing residence on the proposed 2 ha lot. The applicant would live in the existing residence on proposed 4 ha lot. The applicant does not appear to qualify for consideration pursuant to the *Homesite Severance Policy*.
Decision: Refused - on the grounds that the subdivision would not be consistent with surrounding parcel sizes, would result in the reduction of the parcel size and reduce the agricultural options available on the property. The Commission would be prepared to consider subdivision of the property subject to consolidation with an adjacent parcel.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

City of Kelowna Council: Support.

Agricultural Advisory Committee: Supports the application to accommodate a subdivision in lieu of a homesite severance application.

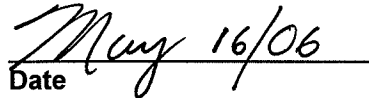
STAFF COMMENTS:

The applicants have been requested to provide documentation that they owned the property before December 21, 1972. If the applicants are not able to provide the requested documentation, the subdivision will be considered as a standard subdivision request.

END OF REPORT



Signature



Date