



Agricultural Land Commission
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July 6, 2006

Reply to the attention of Brandy Ridout
ALC File #G-36642

Richard & Maria Dempster
1325 McKenzie Road
Kelowna, BC V1P 1C4

Dear Mr. and Mrs. Dempster:

Re: Application to subdivide in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #318/2006 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over a white background. The signature is fluid and cursive, with a long, sweeping tail that extends downwards and to the right.

Erik Karlsen, Chair

cc: City of Kelowna - A05-0011

BR/lv/Encl.: Minutes
36642d1

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 – 36642
Applicant(s) Richard & Maria Dempster
Proposal To subdivide the 4 ha lot into two 2 ha lots in order to give the applicants' daughter a property. There are two homes on the property.
Legal PID: 008-648-352
Location Lot A, Section 25, Township 26, Osoyoos Division Yale District, Plan 16423
Location 1325 McKenzie Road, East Kelowna

Site Inspection

A site inspection was conducted on June 28, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey and Sid Sidhu
- Staff: Brandy Ridout
- Agent: Brian Stewart

Mr. Stewart confirmed that the applicant had received the staff report dated June 15, 2006. A letter written in response to the contents was given to the Commissioners during the site visit.

Discussion

As Section 946 of the *Local Government Act* is irrelevant to the Commission's consideration of whether or not subdivision of ALR land is appropriate, the Commission considered the application in terms of its impact on agriculture.

The Commission was encouraged to see the business plan for the agricultural development of the proposed new lot and noted the amount of research that has gone into organic farming. However, the Commission believed that subdivision was not necessary to develop the property for agriculture.

In addition, the Commission believed that subdivision would negatively impact the subject property in the long-term as it would narrow the range of agricultural options available to the owner of the property. As two smaller lots, the agricultural activities that can take place are more limited. In addition, subdivision enables the construction of a homesite on the newly created lot and results in the removal of a portion of the property from agricultural use.

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IT WAS

MOVED BY: Commissioner Sidhu

SECONDED BY: Commissioner Irvine

THAT the application be refused

CARRIED

RESOLUTION #318/2006



Staff Report
Application # G – 36642
Applicant: Richard & Maria Dempster
Location: East Kelowna

DATE RECEIVED: April 27, 2006

DATE PREPARED: June 15, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To subdivide the 4 ha lot into two 2 ha lots in order to give the applicants' daughter a property. There are two homes on the property.

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

BACKGROUND INFORMATION:

This application is similar to several recent applications in Kelowna that propose to subdivide a 2 ha lot for a family member. The impetus for the application is the existence of section 946 of the *Local Government Act*, which permits the subdivision of a lot for a landowner's relative, subject to conditions. Section 946 subdivision does not require that a subdivision be supported by local government bylaw(s).

In a letter from the Commission to the City of Kelowna dated January 10, 2006, the subject of Section 946 is commented on:

While the Commission has developed a policy concerning homesite severances on ALR lands, it is under no obligation to approve subdivisions to provide a residence for a relative.

The Commission encourages local governments to use Section 946 of the *Local Government Act* to facilitate the creation of homesite severance subdivisions when such subdivisions have been approved by the Commission in accordance with its Homesite Severance Policy. In these cases, it is the Commission's understanding

BACKGROUND INFORMATION (continued):

Legal Description of Property:

PID: 008-648-352
Lot A, Section 25, Township 26, Osoyoos Division Yale District, Plan 16423

Purchase Date:

June 1993

Location of Property:

1325 McKenzie Road, East Kelowna

Size of Property:

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

Present use of the Property:

Rural residence with two homes (a larger newer home occupied by the applicants and a smaller older home occupied by the daughter).

Surrounding Land Uses:

WEST: Orchard in the ALR
SOUTH: Orchard in the ALR
EAST: Rangeland in the ALR
NORTH: 4 ha orchard in the ALR

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E.084 and #82 E.094
The majority of the property is identified as having prime dominant ratings.

Official Community Plan and Designation:

Kelowna's 2020 OCP
Designation: Rural/Agricultural

Zoning Bylaw and Designation:

Zoning Bylaw #8000

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The City of Kelowna: Forwarded the application without comment.

The Kelowna Agricultural Advisory Committee: Did not support the application because the subdivision has been requested for family reasons only and not for reasons that would benefit agriculture.

STAFF COMMENTS:

Staff recommends that the Commission consider the following.

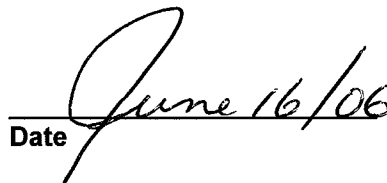
- The proposed subdivision may narrow the range of agricultural options available to the property. On balance, 2 ha parcels tend to be less likely to be used for agriculture than 4 ha parcels.
- The proposed subdivision, if allowed, could precipitate similar applications in the ALR in Kelowna. As the majority of agricultural properties are 4 ha or larger in the ALR, it is likely that allowing this application could have significant implications for the agricultural land base in Kelowna.
- Section 946 of the *Local Government Act* is irrelevant to the Commission's consideration of whether or not subdivision of ALR land is appropriate.

END OF REPORT

Signature

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Date

A handwritten date in black ink, written as 'June 16/06'.