



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

December 21, 2006

Reply to the attention of Brandy Ridout
ALC File: G-36895

Donald Teather
235 Sadler Road
Kelowna, BC V1X 2Y6

Dear Mr. Teather:

Re: Application to subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 590/2006 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

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 Kelowna (#A06-0014)

MC/lv/Encl.: Minutes
36895d1

APPLE ORCHARD

9 ACRES

APPLES

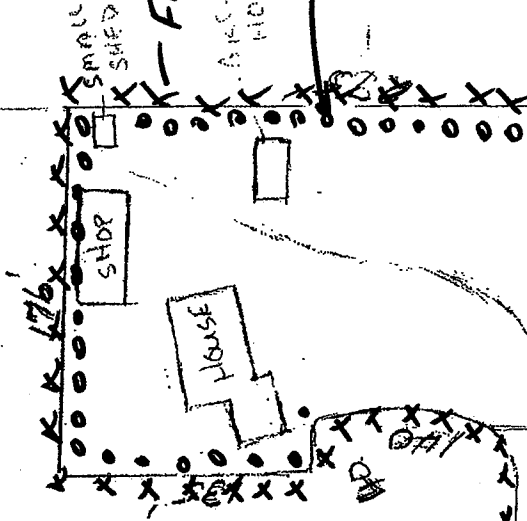
FENCING GRAPES

VEGETATIVE SCREENING

CHERRIES

OVER GROWN POSSIBLE DRIVEWAY TO REMAINDER OF PROPERTY

OVER GROWN FIELD



APPLES

MCKENRIDGE RD.

APPLICATION

#G-36895

1485 MCKENRIDGE RD.

NEW SITE PLAN

DON TEATHER UNDER 1 ACRE



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 15, 2006 in Vancouver, BC.

PRESENT: Sue Irvine
Sharon McCoubrey
Sid Sidhu
Brandy Ridout

Chair, Okanagan Panel
Commissioner
Commissioner
Staff

For Consideration

Application: # G - 36895
Applicant: Eileen Teather
Proposal: To subdivide the 4 ha property into a 0.4 ha homesite (with a panhandle) and a 3.6 ha remainder.
Legal: PID: 006-181-406
Lot 2, Section 36, Township 26, Osoyoos Division Yale District, Plan 23935, EXCEPT Plan KAP53090
Location: 1485 McKenzie Road, Kelowna

Site Inspection

A site inspection was conducted on November 10, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey and Sid Sidhu
- Commission staff: Brandy Ridout
- Agent: Donald Teather

Mr. Teather confirmed that the staff report dated October 13, 2006 was received and no errors were identified.

The Commission discussed with the applicant's agent that the previous conditional approval under application #G-33321 required proof of ownership and occupancy since December 21, 1972. Subsequent to the site visit, the Commission received documentation proving ownership as of October 18, 1972.

The Commission noted that under the previous application it had refused the subdivision of a 1.4 ha homesite lot but would allow a smaller lot to be subdivided on the south-west corner of the property.

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 eligibility for consideration under the Homesite Severance Policy

As the applicant did not have a title showing ownership pre-December 21, 1972, she was asked to provide alternate documentation. Documentation proving ownership as of October 18, 1972 was later provided.

Assessment of Agricultural Capability

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the majority of the subject property is Class 2 and Class 3 with limitations of soil moisture deficiency and topography.

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Assessment of Agricultural Suitability

The Commission next assessed whether the external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external factors that render the land unsuitable for agricultural use.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission wished to minimize the impact of the subdivision of a homesite lot on the agricultural remainder. The proposed lot was smaller than the previously requested lot but in the same location. After the site visit, the Commission noted that the homesite was as small as possible and configured in such a way as to have the smallest possible impact.

IT WAS

MOVED BY: Commissioner Sidhu

SECONDED BY: Commissioner Irvine

THAT the application to subdivide a 0.4 ha homesite from the 4 ha subject property be approved

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 around the perimeter of the homesite lot, save and except for the east boundary

- the construction of a fence around the perimeter of the homesite lot, save and except for the east boundary
- the planting of vegetation for buffering around the perimeter of the homesite lot, save and except for the east boundary of the lot and the west boundary of the panhandle
- compliance with the Homesite Severance Policy

AND THAT the approval is granted to the applicant only and is valid for three (3) years from the date of this decision. Subdivision must be completed within this time frame.

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 # 590/2006



Staff Report
Application # G – 36895
Applicant: Eileen Teather
Agent: Donald Teather

DATE RECEIVED: August 28, 2006

DATE PREPARED: October 13, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: To subdivide the 4 ha property in a 0.4 ha homesite (with a panhandle) and a 3.6 ha remainder. The applicant has owned the property since 1971 and therefore may qualify for consideration under the Commission's *Homesite Severance Policy*

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

BACKGROUND INFORMATION:

The Commission refused a previous request for a homesite severance from these applicants in 2000. At the time the Commission indicated that it would be willing to allow a smaller homesite severance in a different location. The current proposal is for a smaller homesite severance in the same location.

Local Government:

City of Kelowna

Legal Description of Property:

PID: 006-181-406
Lot 2, Section 36, Township 26, Osoyoos Division Yale District, Plan 23935, Except Plan KAP53090

Purchase Date:

1971

Location of Property:

1485 McKenzie Road, Kelowna

Size of Property:

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

Present use of the Property:

Residence, apple orchard, grapes, cherries, farm buildings

Surrounding Land Uses:

WEST: Apple orchard (ALR)
SOUTH: McKenzie Road (ALR)
EAST: Overgrown open field (ALR)
NORTH: Overgrown open field (ALR)

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:

City of Kelowna Official Community Plan Bylaw No. 7600 designates the property as Agriculture

Zoning Bylaw and Designation:

City of Kelowna Zoning Bylaw No. 8000 designated the property as A1 - Agriculture Zone
Minimum Lot Size: 4.0 ha except the minimum lot area is 2.0 ha when located within the
Agricultural Land Reserve

PREVIOUS APPLICATIONS:

Application #33321-0

Applicant: Teather, Frank & Eileen
Decision Date: October 06, 2000
Proposal: To subdivide the existing residence from the property pursuant to the Homesite Severance Policy. The proposed homesite lot is approximately 1.4 ha located in the southeast corner of the property.
Decision: Refused as proposed but the Commission would allow a smaller portion to be subdivided on the south-west corner of the property to be used for homesite severance

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

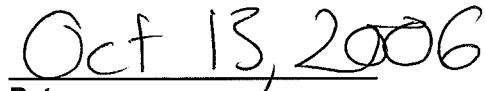
City of Kelowna Council: Allow as requested

ATTACHMENTS:

- Additional Information: Letter submitted by the applicants explaining the proposed subdivision.
 - Sketch of proposal (Submitted by the Applicants)
 - Local Government Report - (Submitted by the City of Kelowna)
 - Decision Letter for Application # G-33321
 - ALC Context Map - Constituent 13 - Central Okanagan Regional District 1:10,000 (Created by ALC Staff)
 - Airphoto - 1:3,447 (Submitted by the City of Kelowna)
-

END OF REPORT


Signature


Date