



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

September 29, 2005

Reply to the attention of Brandy Ridout

City of Kelowna  
1435 Water Street  
Kelowna, BC - V1Y 1J4

Dear Sir/Madam:

**Re: Application #G-36165**

1. PID: 010-560-424  
Lot 12, Section 35, Township 26, Osoyoos Division of Yale District, Plan 4373
2. PID: 005-921-406  
Lot A, Section 35, Township 26, Osoyoos Division of Yale District, Plan 24460
3. PID: 007-507-496  
Lot 1, Section 35, Township 26, Osoyoos Division of Yale District, Plan 21420
4. PID: 010-560-416  
Lot 11, Section 35, Township 26, Osoyoos Division of Yale District, Plan 4375
5. PID: 010-560-386  
Lot 1, Section 35, Township 26, Osoyoos Division of Yale District, Plan 4375
6. PID: 012-395-013  
Lot 53, Section 35, Township 26, Osoyoos Division of Yale District, Plan 425
7. PID: 002-787-733  
That Part of Block 25, Shown on Plan B511, Section 35 Township 26, Osoyoos Division of Yale District, Plan 264, EXCEPT Plan H18551
8. PID: 002-787-652  
Block 24, Section 35, Township 26, Osoyoos Division of Yale District, Plan 264, EXCEPT Plan H18551
9. PID: 002-676-893  
Lot 2, Section 35, Township 26, Osoyoos Division of Yale District, Plan 16703, EXCEPT Plan 17858
10. PID: 007-597-517  
Lot 1, Section 35, Township 26, Osoyoos Division of Yale District, Plan 17858
11. PID: 002-268-949  
Block 22, Section 35, Township 26, Osoyoos Division of Yale District, Plan 264, EXCEPT (1) The West ½ (2) Plan 19330
12. PID: 008-041-466  
Lot 1, Section 35, Township 26, Osoyoos Division of Yale District, Plan 19330
13. PID: 003-243-737  
Lot 2, Section 35, Township 26, Osoyoos Division of Yale District, Plan 8767, EXCEPT Plan 18495
14. PID: 003-704-033  
Lot B, Section 35, Township 26, Osoyoos Division of Yale District, Plan 24460
15. PID: 009-785-817  
Lot 1, Section 35, Township 26, Osoyoos Division of Yale District, Plan 8767, EXCEPT Plan 9200
16. PID: 007-716-958  
That Part Lot A, Shown outlined Red on Plan E8419, Section 35, Township 26, Osoyoos Division of Yale District, Plan 9200

17. PID: 007-973-233  
Lot 1, Section 35, Township 26, Osoyoos Division of Yale District, Plan 19755
18. PID: 009-731-024  
Lot A, Section 35, Township 26, Osoyoos Division of Yale District, Plan 9200,  
EXCEPT Plans 19755 and E8419
19. PID: 008-224-528  
Lot 1, Section 35, Township 26, Osoyoos Division of Yale District, Plan 18495

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to realign Rutland Road North between Rains and Old Vernon Road to connect Rutland Road North with Acland Road. The application was submitted pursuant to Section 6 of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*.

During the review of the above-noted application, it was noted that the realignment of Rutland Road North was reviewed by the Commission in concept in 1993 and endorsed in principle in 2000. The current proposal was compared to the two routes previously endorsed by the Commission and it was determined that the proposal closely follows a route to which the Commission was prepared to consent.

In addition, the Commission received a request from one of the affected landowners (Lot 53, Plan 425) that any topsoil that is removed from his property during road construction be redistributed on his property to enhance the remaining farm unit.

As such, the Commission writes to advise that it approved your application subject to:

- realignment of the route as outlined on the attached plan
- redistribution of all topsoil removed during road construction onto adjacent farms so as to benefit agriculture, and
- 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 decision noted above is recorded as Resolution **#511/2005**.

Please distribute notification of this approval to all affected landowners and quote your application number in any future correspondence.

Yours truly,  
PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Teruo Ogi, 1923 Rutland Road N, Kelowna, BC V1X 4Z9

BR/lv/Encl./36165d1







**Staff Report**  
**Application # G – 36165**  
**Applicant: City of Kelowna**  
**Location: Rutland Road North, Kelowna**

**DATE RECEIVED:** July 18, 2005

**DATE PREPARED:** September 8, 2005

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

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

**PROPOSAL:** To realign Rutland Road North between Rains and Old Vernon Road to connect Rutland Road North with Acland Road.

This application is made pursuant to Section 6 of BC Regulation 171/2002 (*Agricultural Land Reserve Use, Subdivision and Procedure Regulation*).

**BACKGROUND INFORMATION:**

The realignment of Rutland Road North was reviewed in concept by the Commission in 1993 and endorsed in principle in 2000. At that time, staff prepared two sketches depicting alignments with which the Commission would be prepared to consent. The current proposal is most similar to the road location depicted on Drawing B (see 11 October 2000 letter).

A request was received from one of the landowners (Lot 53, Plan 425) that any topsoil that is removed from the western portion of his property during road construction be redistributed on his property to enhance the remaining farm unit.

**Local Government:**

City of Kelowna

**Legal Description of Properties:**

1. PID: 010-560-424  
Lot 12, Section 35, Township 26, Osoyoos Division of Yale District, Plan 4373
2. PID: 005-921-406  
Lot A, Section 35, Township 26, Osoyoos Division of Yale District, Plan 24460
3. PID: 007-507-496  
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5. PID: 010-560-386  
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6. PID: 012-395-013  
Lot 53, Section 35, Township 26, Osoyoos Division of Yale District, Plan 425

**BACKGROUND INFORMATION (continued):**

**Legal Description of Properties (continued):**

7. PID: 002-787-733  
That Part of Block 25, Shown on Plan B511, Section 35 Township 26, Osoyoos Division of Yale District, Plan 264, EXCEPT Plan H18551
8. PID: 002-787-652  
Block 24, Section 35, Township 26, Osoyoos Division of Yale District, Plan 264, EXCEPT Plan H18551
9. PID: 002-676-893  
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14. PID: 003-704-033  
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18. PID: 009-731-024  
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Lot 1, Section 35, Township 26, Osoyoos Division of Yale District, Plan 18495

**Location of Properties:**

Kelowna

**ALR Area affected by Proposal:**

1.7 ha

**Surrounding Land Uses:**

**WEST:** not actively used farmland, area west of Rutland Rd used for fruit + vegetables  
**SOUTH:** not identified  
**EAST:** greenhouse, pasture  
**NORTH:** not identified

**BACKGROUND INFORMATION (continued):**

**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:**

Not provided

**Zoning Bylaw and Designation:**

Not provided

**PREVIOUS APPLICATIONS:**

**Application #30154-0**

**Applicant:** Thomas/Sandra Greenough  
**Decision Date:** March 11, 1996  
**Proposal:** To exclude the 1.1 ha parcel in order to pursue commercial development.  
**Decision:** Allowed exclusion of the lands west of the road, subject to consolidation of the lands east of the road with adjacent ALR.

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**Application #23176-0**

**Applicant:** Roucha Orchards  
**Decision Date:** August 24, 1989  
**Proposal:** To exclude 1,504 ha of land within the City of Kelowna and the Regional District of Central Okanagan consisting of 167 individual (or joint) owners of land.  
**Decision:** Refused.

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**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

The City of Kelowna is the applicant.

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END OF REPORT

Signature

Date

