

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

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

City of Kelowna Page 2 - #36165

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,

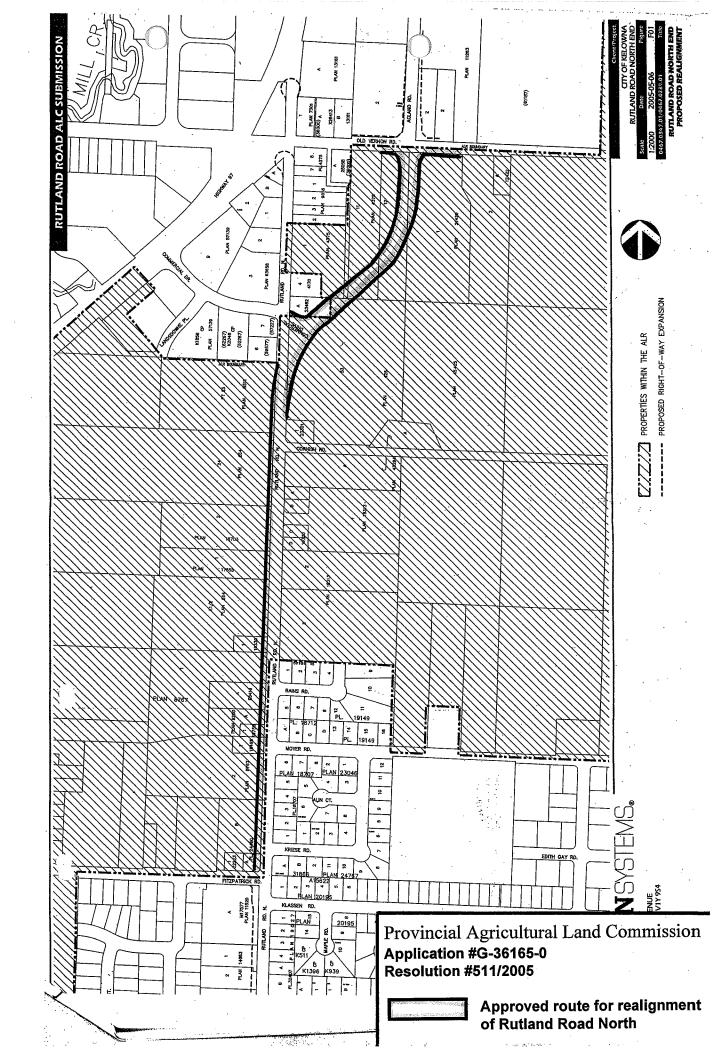
PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

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

BR/lv/Encl./361/65d1



Resolution #511/2005 Application # G- 36165-0

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on September 23, 2005 at 8090 Highway 97, Lake Country, BC.

PRESENT:

Sharon McCoubrey

Commissioner

Sid Sidhu

Commissioner

ABSENT:

Sue Irvine

Vice-chair

STAFF:

Brandy Ridout, Regional Research Officer

Martin Collins, Planning Officer

For Consideration

Brandy Ridout presented the September 8, 2005 staff report regarding application #G-36165.

Site Inspection

No site inspection was conducted, as the Commission was familiar with the area.

Commission Discussion

The Commission noted that the realignment of Rutland Road North was reviewed in concept in 1993 and endorsed in principle in 2000. As the current proposal is similar to a route previously identified as acceptable, the Commission was prepared to consent to the proposal.

The Commission discussed a request that had been 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. The Commission agreed that all topsoil removed during road construction should be redistributed on adjacent farms so as to benefit agriculture.

IT WAS

MOVED BY:

Commissioner Sidhu

SECONDED BY:

Commissioner McCoubrey

THAT the staff report be received

AND THAT the application to realign Rutland Road North between Rains and Old Vernon Road to connect Rutland Road North with Acland Road be approved

AND THAT all topsoil removed during road construction be redistributed on adjacent farms so as to benefit agriculture

AND FINALLY THAT this approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.



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).

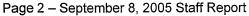
A request was received from one of the landowners (Lot 53, Plan 425) that any topsoil that is removed from the western portion of his property during road construction be redistributed on his property to enhance the remaining farm unit.

Local Government:

City of Kelowna

Legal Description of Properties:

- 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



Re: Application #G-36165

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

PID: 002-787-652

Block 24, Section 35, Township 26, Osoyoos Division of Yale District, Plan 264, EXCEPT Plan H18551

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, Osovoos 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

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

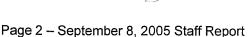
SOUTH: not identified

EAST:

greenhouse, pasture

NORTH: not identified





BACKGROUND INFORMATION (continued):

Agricultural Capability:

Re: Application #G-36165

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.

Application #23176-0

Applicant:

Roucha Orchards August 24, 1989

Decision Date: 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.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The City of Kelowna is the applicant.

END OF REPORT

Signature

Date

of 9/05