



Agricultural Land Commission
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October 27, 2005

Reply to the attention of BRANDY RIDOUT

William and Evelyn McCutcheon
2260 Charleswood Drive, RR #5
Kelowna, BC - V1P 1E4

Dear Sir/Madam:

Re: Application #V-36247
PID: 012-522-406
Lot 16, District Lot 488, Osoyoos Division Yale District, Plan 310

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide four urban residential lots (0.12 ha each) from the eastern portion of the 2 ha property and to consolidate the 1.3 ha remnant with the adjoining 1.8 ha Trout Creek Fruit Stand property. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*.

The Commission wishes to thank you for taking the time to meet with its representatives on October 12, 2005. The Commission found the meeting and site visit informative.

During its reviewed of the application, the Commission discussed how the application would impact agriculture, including in its consideration the proposed benefit of joining the remainder of the subdivision to the adjacent agricultural property.

After considering all aspects of the application, the Commission determined that the subject property's good agricultural capability would be best preserved in the long-term if the parcel was retained in its current state as a single unit. The Commission also noted that the creation of four new residential lots along the western side of Nixon Road would shift residential land uses into the Agricultural Land Reserve (ALR). As such, the Commission believed that the benefit of the proposed consolidation would not offset the negative impact of creating four new residential lots.

For these reasons, the Commission refused your application as proposed.

The decision noted above is recorded as Resolution **#535/2005**.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

per:

Erik Karlsen, Chair

cc: District of Summerland
Realty Executives, Warren Parker, PO Box 1740, Summerland, BC V0H 1Z0
BR/lv/36247d1



Staff Report
Application # V – 36247
Applicant: William and Evelyn McCutcheon
Agent: Warren Parker Realty Executives

Location: Trout Creek Subdivision, Summerland (Nixon Rd.)

DATE PREPARED: October 5, 2005

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To subdivide four urban residential lots (0.12 ha each) from the southern portion of the 2 ha property, fronting Nixon Rd., and to consolidate the 1.3 ha remnant with the adjoining 1.8 ha Trout Creek Fruit Stand property (which fronts Highway #97). The resulting agricultural lot would be 3.1 ha.

An A.2 vegetative and fencing buffer (as per the Commission's Buffer Guidelines) is proposed on the west property line.

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

BACKGROUND INFORMATION:

The property has been in the family since 1940's. However, the applicants inherited the property from their parents in 1996. No previous applications have been considered on the property.

Local Government:

The Corporation of the District of Summerland

Legal Description of Property:

PID: 012-522-406 Lot 16, District Lot 488, Osoyoos Division of Yale District, Plan 310;

Purchase Date (m/d/y):

05/01/1996

Location of Property:

Nixon Rd., in Summerland's Trout Creek subdivision

Size of Property:

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

Present use of the Property:

Orchard with home and outbuildings

Surrounding Land Uses:

WEST: Orchard and Commercial Fruit stand in the ALR

SOUTH: Suburban subdivision, not in the ALR

EAST: Park, not in the ALR

NORTH: 1 ha rural residential property in the ALR

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E.052

The majority of the property is identified as having prime dominant ratings.

Official Community Plan and Designation:

The Summerland OCP designates the land as Farmland.

Zoning Bylaw and Designation:

A1 Agriculture zone, which permits a minimum lot size of 2 ha.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

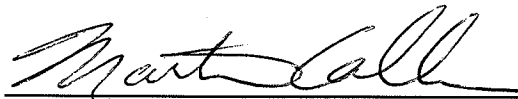
The District of Summerland forwarded the application with a recommendation of support. The Agricultural Advisory Committee also supported the application.

STAFF COMMENTS:

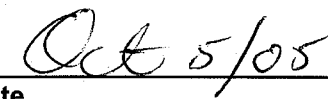
Staff suggests that the Commission consider the following;

- The actual area alienated by subdivision is 0.5 ha (part of which is already in structures and yard). The main issue is whether the negative impacts of four residential lots and the loss of 0.5 ha outweigh the net benefits of a larger agricultural parcel.

END OF REPORT



Signature



Date

L. 477
PLAN 15305

L. 508

ALR

L. 488

L. 20

ALR
L. 4702
(NOT GAZETTED)
C.L.S.R. PLAN 597 B.C.

SUN-OKA
PROVINCIAL
PARK

L. 4885

Subject
Property

Constituent

Map # 7

Scale: 1:10,000



N

