



Agricultural Land Commission
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February 10, 2006

Reply to the attention of Brandy Ridout
ALC File #G-29522

Dawn Miletto
#200-540 Groves Ave.
Kelowna, BC V1Y 4Y7

Dear Ms. Miletto:

Re: **Request for Reconsideration**

This is further to your letter of July 26, 2005 in which you asked the Provincial Agricultural Land Commission to reconsider Resolution #513/1995.

The Commission has reconsidered the matter and has attached the Minutes of Resolution #34/2006 outlining its latest decision. As agent, it is your responsibility to notify your clients accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of Central Okanagan - A95-4

BR/lv/Encl.: Minutes
29822d2

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission (the "Commission") on January 19, 2006 at the Ministry of Agriculture and Lands office located at 4607 - 23rd Street, Vernon, BC.

PRESENT:	Sue Irvine	Chair, Okanagan Panel
	Sharon McCoubrey	Commissioner
	Sid Sidhu	Commissioner
	Brandy Ridout	Staff
	Martin Collins	Staff

For Consideration

A letter from Dawn Miletto requesting that the Commission reconsider its decision recorded as Resolution # 513/1995.

Application #	G-29822
Applicant	D. E. Pilling & Associates on behalf of owner
Legal	PID: 018-373-984 Lot A, District Lot 3187 & 3188, Osoyoos Division Yale District, Plan KAP50458
Location	Westbank
Original Proposal:	To subdivide the 26.5 ha property into three lots of approximately 8.8 ha in size. The proposed subdivision lines correspond to the existing blocks of orchard and the applicant wishes to subdivide in order to have the ability to sell a portion of his orchard to allow him to continue farming the remainder. The application was refused as submitted on the grounds of impact and agricultural potential, but approval was given to the subdivision of the property into two lots of approximately equal size. This approval was subject to the placement of a restrictive covenant on the approved southern lot restricting the location of any future residence on the poor capability land in the southeast corner of the property.
Current Proposal:	To subdivide the 26.5 ha property into two lots of approximately equal size in a different layout than the approved lot configuration in order to attain an optimal view of Okanagan Lake. The existing approval is for the subject property to be divided along an east/west line. The proposal is to divide the property along a north/south line.

Site Inspection

A site inspection was conducted on January 18, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey, and Sid Sidhu
- Staff: Brandy Ridout
- Agent: Dawn Miletto

As it was difficult to view the subject property because of its size and access issues, the Commission requested that an air photo be supplied with the proposed lot lines identified.

Commission Discussion

The Commission noted that although the new owner has stated that there will be no division or changes to the orchard or how it is currently being operated, the proposed north/south lot line would divide several orchard blocks. The Commission believed that subdividing the 26.5 ha property so as to correspond to the existing blocks of orchard rather than to provide a view of the lake would be more beneficial to agriculture. As such, the Commission would be willing to consider an alternate proposal that took into account existing orchard blocks.

IT WAS

MOVED BY: Commissioner Sidhu

SECONDED BY: Commissioner Irvine

THAT the information presented constitutes evidence that was not available at the time of the original decision and therefore a reconsideration is warranted.

AND THAT for the purposes of Section 33(2) of the *Agricultural Land Commission Act*, there are no persons it considers is affected by the reconsideration.

AND FINALLY THAT the proposed alternate lot configuration request be refused.

CARRIED

RESOLUTION # 34/2006