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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

August 25, 2006

Reply to the attention of Brandy Ridout
ALC File #G-35797-1

Russell J. Light
3597 Landie Road
Kelowna, BC V1W 3E6

Dear Mr. Light:

Re: Request for reconsideration of application to subdivide in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #418/2006 outlining the Commission's decision as it relates to the above noted application.

If you wish to pursue the Commission's conditional approval, 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

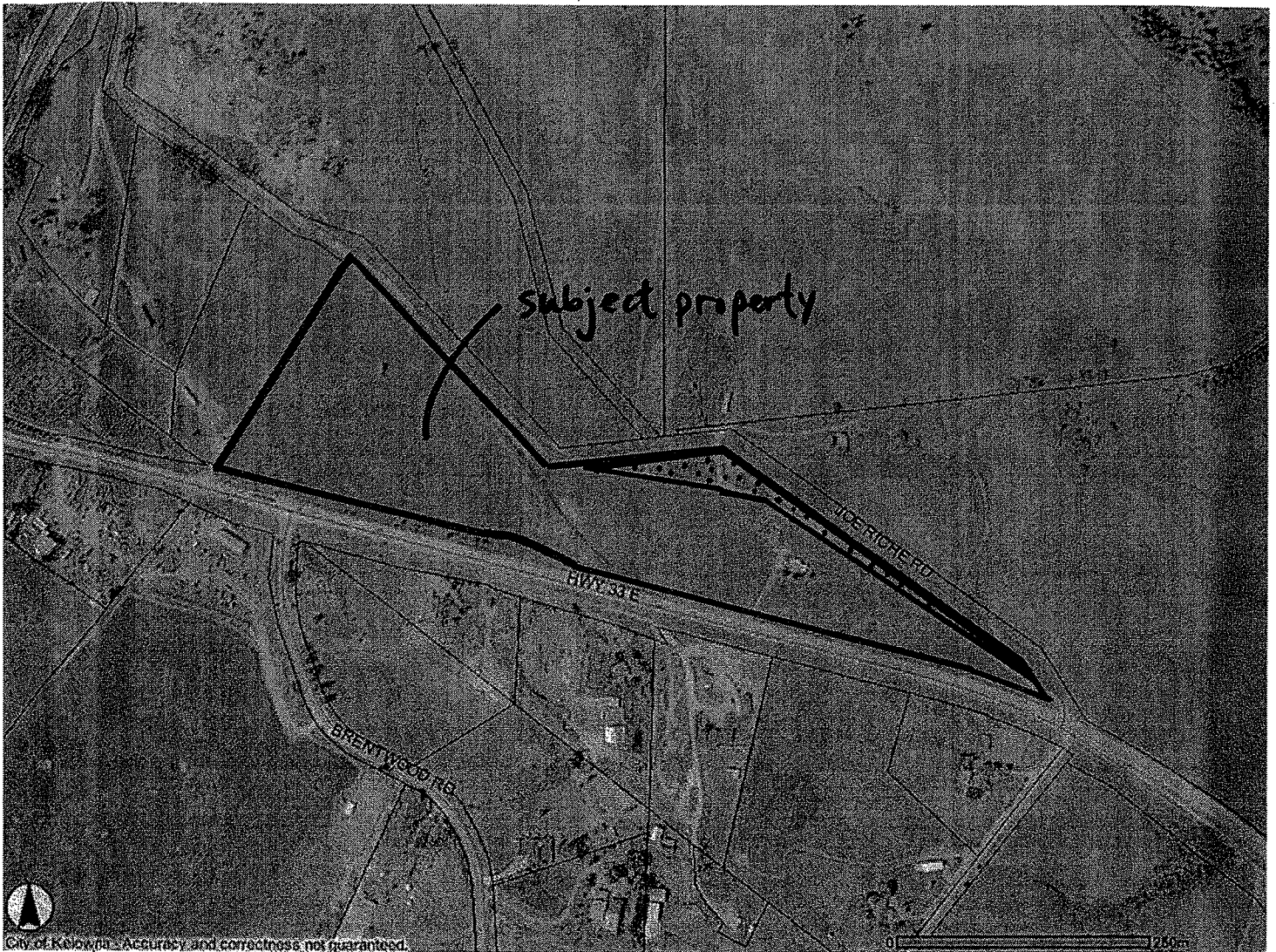
Per:

Erik Karlsen, Chair

cc: City of Kelowna (#A04-0012)

BR/lv/Encl.: Minutes
Sketch Plan

35797d2.



Provincial Agricultural Land Commission
Application #G-36797-1
Resolution #418/2006



Approximately 1.5 ha area approved
for subdivision in the ALR subject to
rescission of Resolution #48/2005

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on August 1, 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

For Consideration

Application #	G – 35797
Applicant	Russell J. Light
Original proposal	To subdivide the 10 ha property into three 2 ha lots with a 4 ha remnant. The Commission approved the subdivision of the property into one approximately 4 ha lot and one 6 ha lot as divided by the BC hydro right of way or the height of the land above the drainage ditch (Resolution #48/2005).
Revised proposal	To subdivide an approximately 1.5 ha lot north of Joe Rich Road for a homesite. The right of way for Joe Rich Road currently lies to the north of the constructed road. The City of Kelowna and the landowner are trying to rectify the problem by relocating the right of way. Should this occur a long thin parcel between 1.5 ha 2 ha would be divided from the 8 ha remnant by Joe Rich Road. The parcel widens at its northwest end and could accommodate a homesite in this location.
Legal	PID: 006-240-879 Lot 2, Section 17 & 18, Township 27, Osoyoos Division Yale District, Plan 2736, Except Plans H8433 and 19999
Location	North side of Highway #33 - Black Mountain

Site Inspection

No site inspection was conducted.

Discussion

The Commission recalled the discussion on the original proposal for this application:

The Commission felt that the property had reasonably good agricultural capability. The Commission also appreciated that the right of way created a natural division in the property. Given that the applicant qualified for consideration under the *Homesite Severance Policy*, the Commission felt it made sense to divide the property along the right of way (as was proposed) instead of around the homesite lot.

The previous decision had allowed a one-lot subdivision as the applicant qualified under the *Homesite Severance Policy*. As such, the Commission would allow the reconsideration request for subdivision of the approximately 1.5 ha area north of Joe Rich Road subject to the rescission of its previous decision.

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IT WAS

MOVED BY: Commissioner Sidhu

SECONDED BY: Commissioner Irvine

THAT the revised proposal be approved subject to:

- the rescission of Resolution #48/2005, and
- the subdivision being in substantial compliance with the plan submitted with the reconsideration request

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 #418/2006



Staff Report
Reconsideration of Application # G – 35797
Applicant: Russell J. Light
Agent: Tim V. J. Light
Location: Black Mountain, Highway #33

DATE PREPARED: July 26, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To subdivide a 1.5 ha – 2 ha (approx.) lot north of Joe Rich Rd for a Homesite Severance. The right of way for Joe Rich Rd currently lies to the north of the constructed road. The City of Kelowna and the landowner are trying to rectify the problem by relocating the right of way. Should this occur a long thin parcel between 1.5 ha 2 ha would be divided from the 8 ha remnant by Joe Rich Road. The parcel widens at its northwest end and could accommodate a homesite in this location. .

The application is being reconsidered pursuant to section 33 of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The Commission previously allowed the subdivision of the 10 ha property into a 4 ha lot and a 6 ha lot because the landowner qualified for consideration under Homesite Severance Policy, and because a topographic break divided the property into two distinct units.

Local Government:

City of Kelowna

Legal Description of Property:

PID: 006-240-879

Lot 2, Section 17 & 18, Township 27, Osoyoos Division of Yale District, Plan 2736, EXCEPT Plans H8433 and 19999;

Purchase Date (m/d/y):

March 1970 (no proof of ownership is provided)

Location of Property:

North side of Highway #33 - Black Mountain

Size of Property:

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

Present use of the Property:

Residence (double wide mobile home) and chicken barn.

Surrounding Land Uses:

WEST: 2 ha rural residential parcels within the ALR
SOUTH: Rural residential parcels within the ALR (2 ha - 4 ha)
EAST: Grassland used for grazing
NORTH: Grassland used for grazing

Agricultural Capability:

Data Source: Agricultural Capability Map # 82 E.084
The majority of the property is identified as having prime dominant ratings.

Official Community Plan and Designation:

Kelowna 2020 OCP designates the property as Rural/Agricultural. The OCP does not support further subdivision of ALR lands.

Zoning Bylaw and Designation:

A1 zoning which permits a minimum lot size of 2 ha.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The City of Kelowna has not provided any comments on the revised proposal. However, it supported the original three lot subdivision proposal.

The original proposal was not supported by the AAC.

STAFF COMMENTS:

Staff suggests that the Commission consider the following:

- The presence of the road, and the size and configuration of the area lying to the north of the road do not support the agricultural use of this area with the 8 ha remainder of the property lying to the south.
- The applicant qualifies for consideration under Homesite Severance Policy.
- If the proposal is allowed it is suggested that consideration be given to the rescission of Resolution #48/2005 permitting the subdivision of the 10 ha property into two lots (4 ha and 6 ha). The revised 2 ha subdivision would have the effect of fulfilling the intent of Homesite Severance Policy.

END OF REPORT

Signature

Date