



Agricultural Land Commission
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December 21, 2006

Reply to the attention of Brandy Ridout
ALC File: #G - 36370

Grant Maddock
Protech Consultants Ltd.
200 - 1461 St. Paul Street
Kelowna, BC V1Y 2E4

Dear Sir:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 591/2006 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

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. It will also confirm for the Registrar the area excluded from the ALR.

Yours truly,

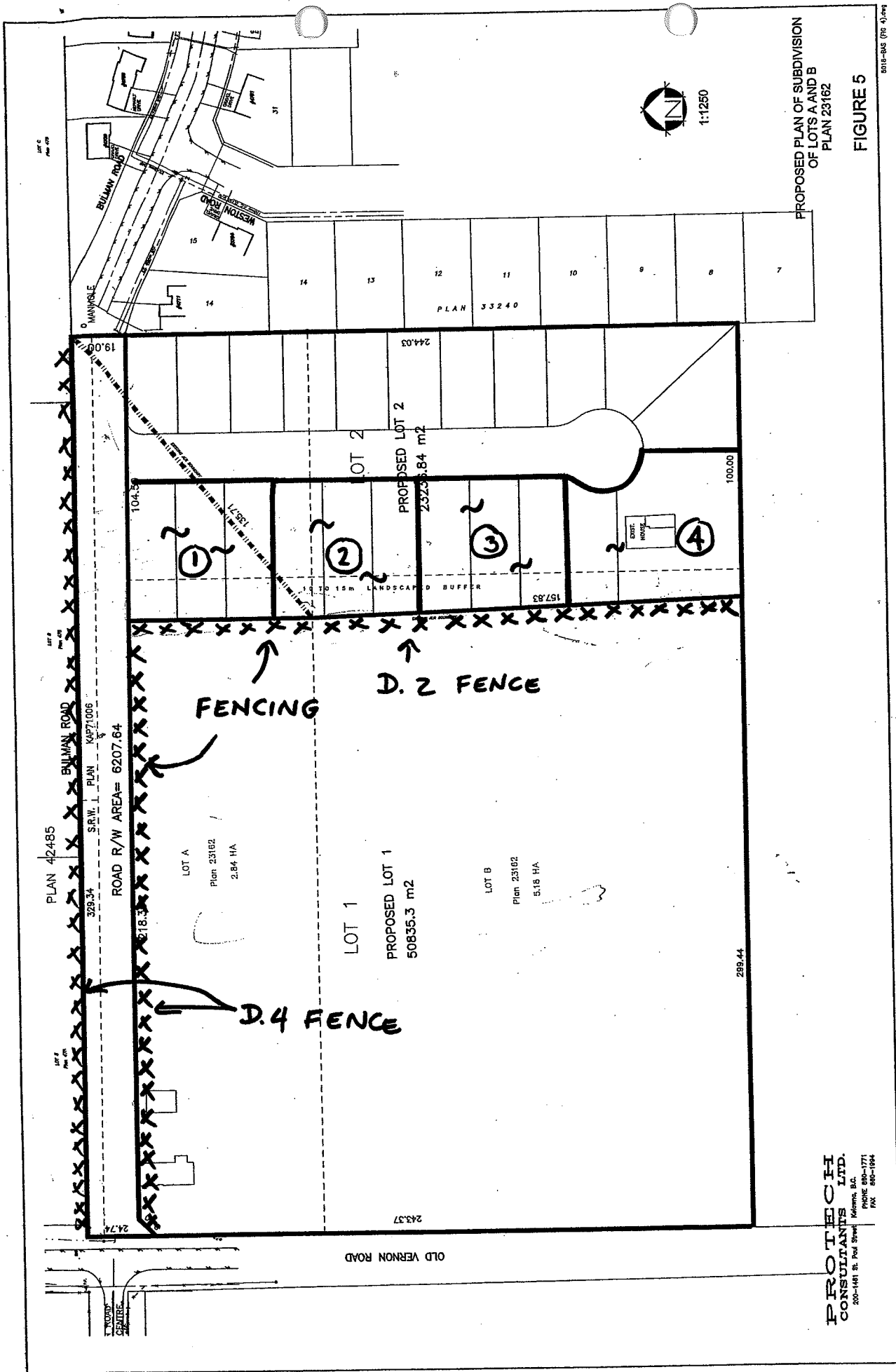
PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of Central Okanagan (#A-05-08)

MC/lv/Encl.: Minutes/Sketch Plan
36370d2a



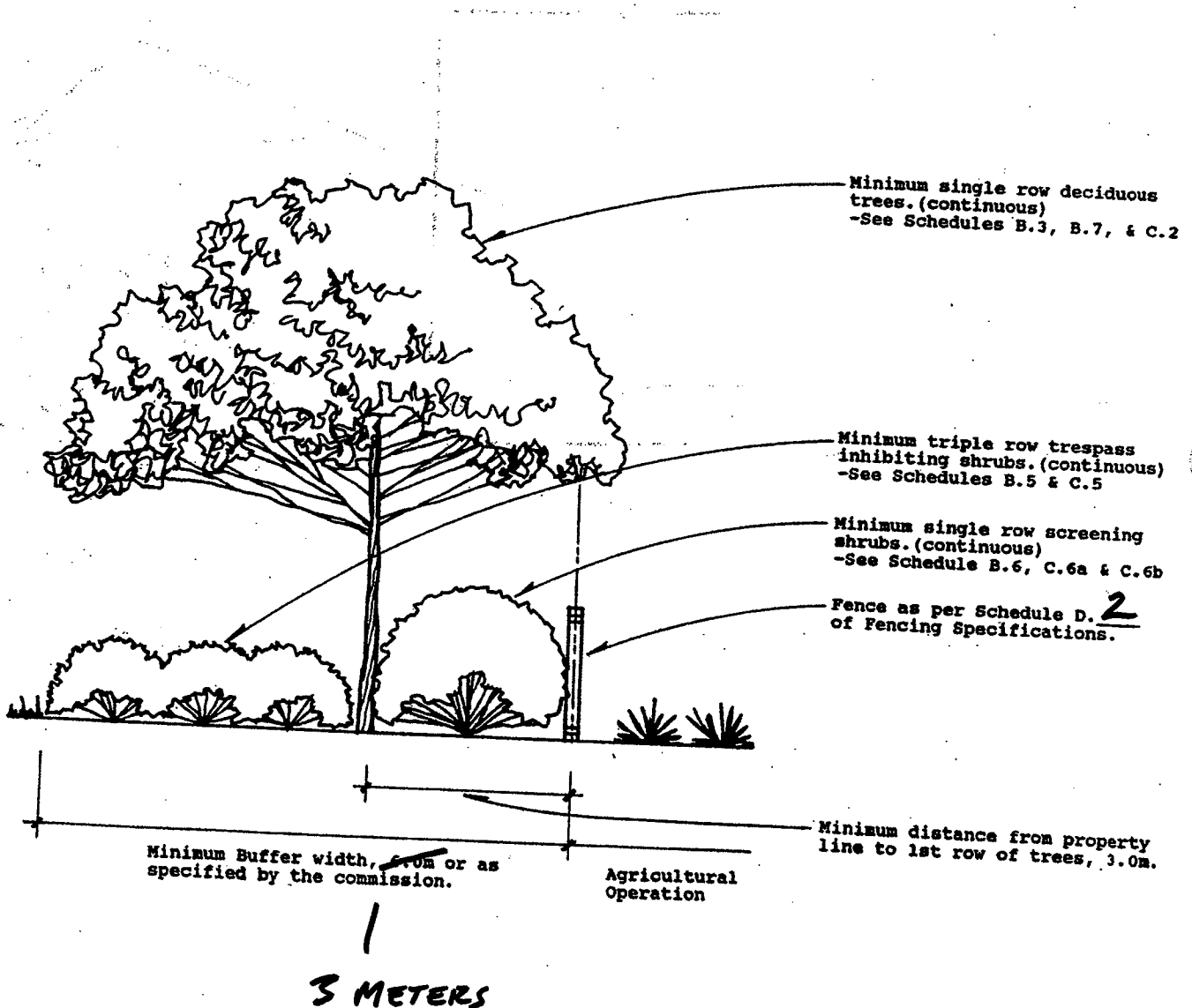
ALC APPLICATION G - 36370
 Res # 591/2006

PROTECH
CONSULTANTS LTD.
 200-1481 St. Paul Street
 Monrovia, B.C.
 PHONE 886-1771
 FAX 886-1884

SCHEDULE A: BUFFER TYPES

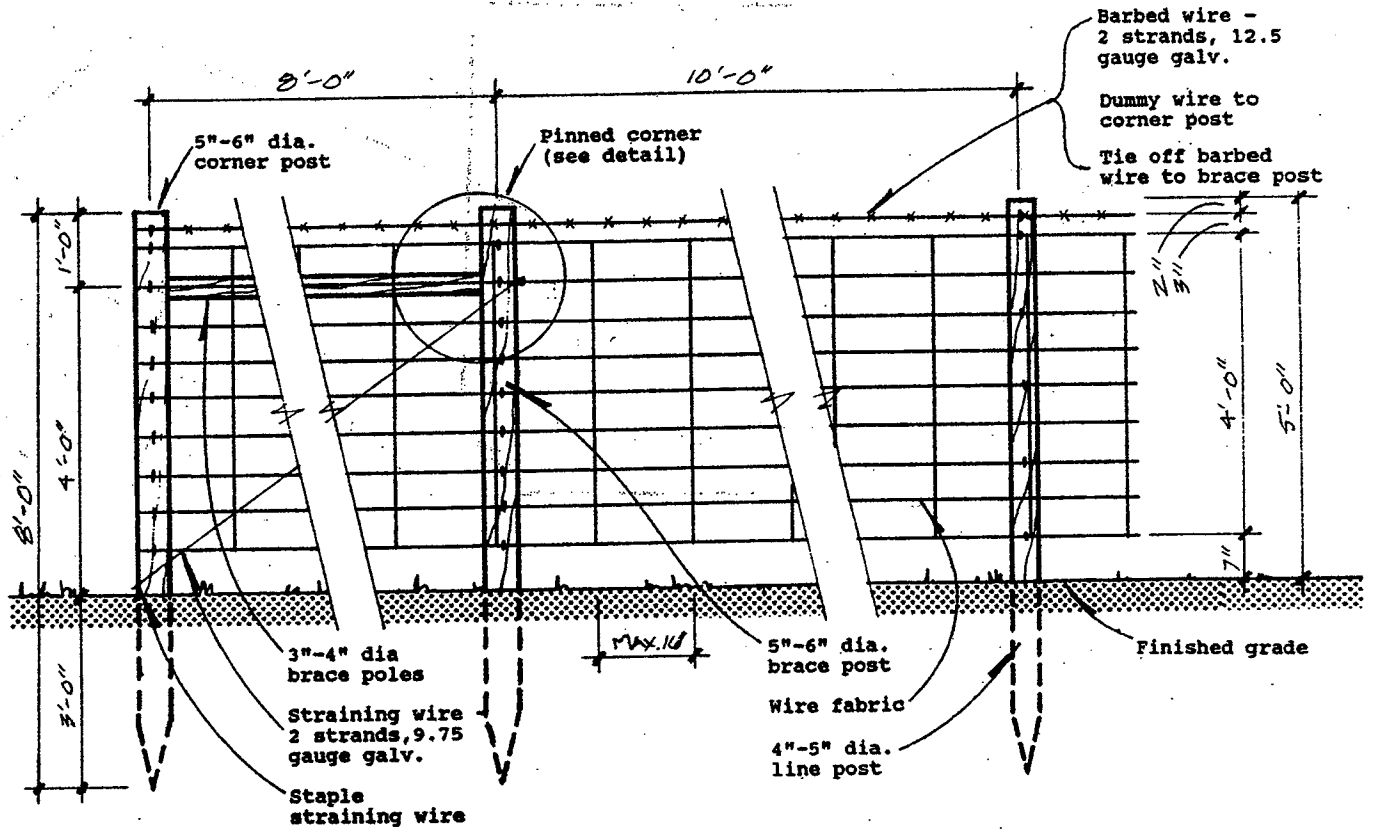
A.2: Minimum Vegetative Screen
(Medium Height Trees)

Inhibits trespass and vandalism while providing minimum protection to non-farm developments from the movement of dust and pesticide spray from adjacent agricultural operations.

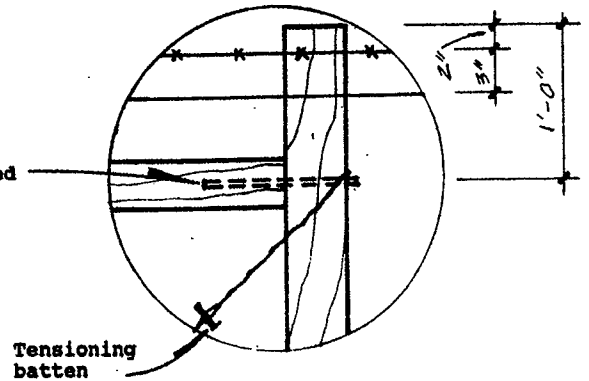


SCHEDULE D: FENCING SPECIFICATIONS

D.4: Wire Fabric Fence with One Strand Barbed Wire

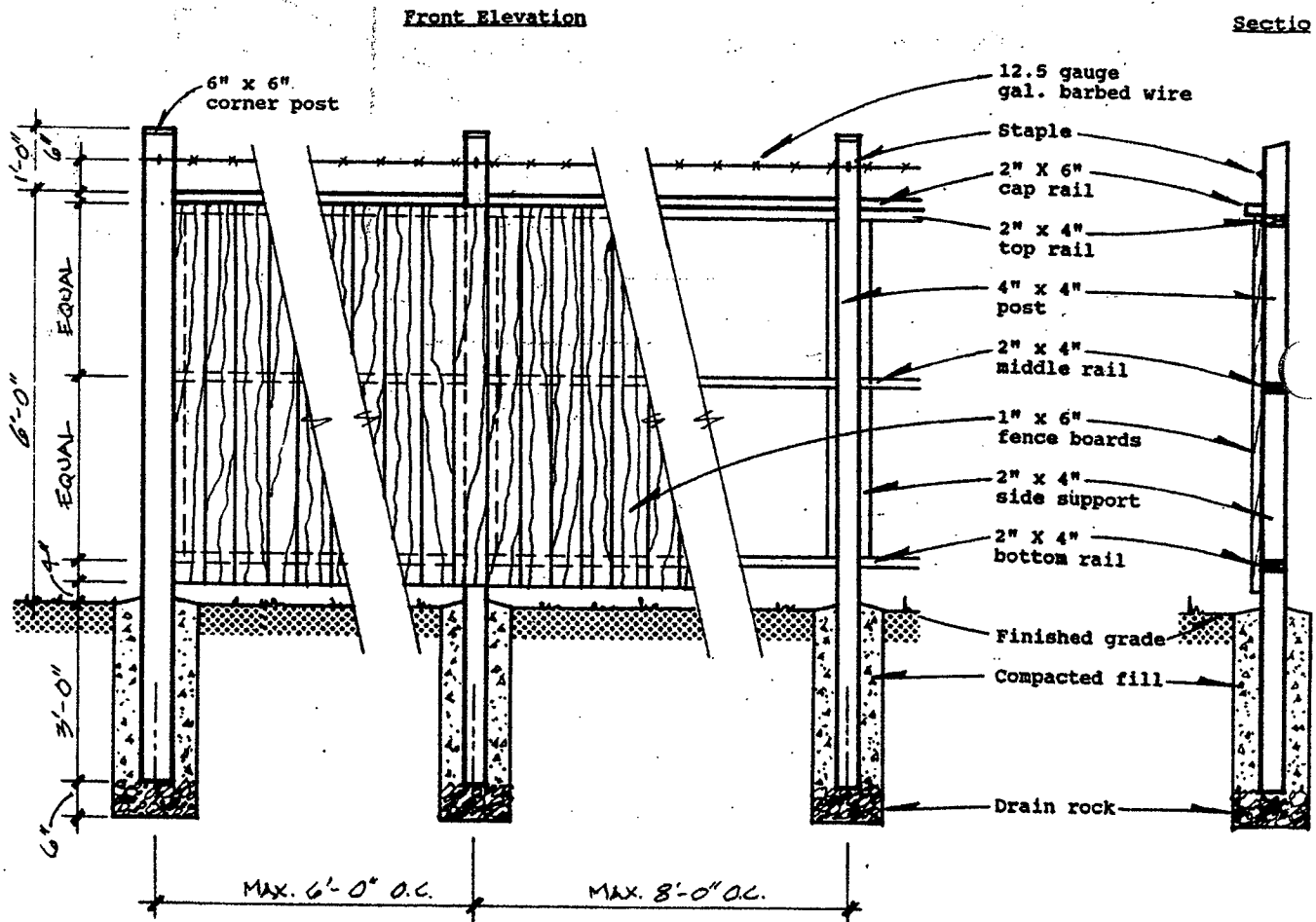


3/8" x 12" rebar driven into 3/8" drilled hole. Wrap brace wire around 1" rebar protruding through brace post



SCHEDULE D: FENCING SPECIFICATIONS

D.2: Solid Wood Fence with One Strand Barbed Wire



In view of this, the Commission required as a condition of approval, that no greater than four residential lots be located adjacent to the ALR boundary, and that a 2 meter high fence, building setbacks, and a vegetative buffer also be established. The Commission considered the lower residential density and buffer/fence to be consistent with its original support (as per Resolution #599/96) for a 20 meter wide road access along the ALR boundary.

IT WAS

MOVED BY: Commissioner S. McCoubrey

SECONDED BY: Commissioner S. Irvine

That there were no persons affected by the reconsideration; and

THAT the request to exclude 0.3 ha and use 0.6 ha for Bulman Road extension be allowed, subject to the following conditions;

- the subdivision, consolidation (of Lot A and Lot B) and road dedication be in substantial compliance with the attached sketch plan ,
- that the residential density against the ALR boundary not exceed 4 lots (as shown on the attached sketch plan).
- that a 2 meter high fence and vegetative buffer (3 meters wide as per ALC buffer specifications) be constructed to mitigate the impact of the new residences on the adjoining farmland. A financial security may be provided prior to development in the amount necessary to complete the fencing and buffering,
- that a trespass inhibiting fence (page wire) be constructed on both sides of the Bulman Road right of way upon construction,
- that a covenant be registered against the titles of the four (non ALR) residential lots located adjacent to the ALR boundary, prohibiting subdivision, and the construction of buildings within 10 meters of the ALR boundary

AND THAT the approval is granted to the applicant only and is valid for three (3) years from the date of this decision.

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 # 591/2006



Staff Report
Reconsideration of Application # G – 36371-1
Applicant: Darryl & Donna Jost
Agent: Protech Consultants (1989) Ltd

Location: Ellison, Scotty Creek Subdivision

DATE PREPARED: July 26, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To exclude 0.3 ha from the 2.8 ha Lot A, and use 0.6 ha of Lot A for the Bulman Road Extension. The 2 ha remainder would be consolidated with the adjoining ALR portion of Lot B, resulting in a 5 ha agricultural parcel.

The original proposal was to exclude the 2.8 ha Lot A and the 5.2 ha Lot B from the ALR. About 1/3 of each property currently lies outside the ALR.

The reconsideration application is made pursuant to section 33 of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The Commission has consistently refused the exclusion of Lots A and B, Plan 23162 on the grounds the land has good agricultural capability. The Regional District would like to link up Bulman Rd to Scotty Creek subdivision for secondary emergency access. The revised proposal achieves this and requests a minimal amount of land to "round out" the proposed small lot subdivision of the 2 ha non ALR area of Lots A and B

Local Government:

Regional District of Central Okanagan

Legal Description of Property:

PID: 006-558-992

Lot A, Section 12, Township 23, Osoyoos Division of Yale District, Plan 23162;

Purchase Date (m/d/y):

April 1990

Location of Property:

Ellison area, Kelowna

Size of Property:

2.6 ha

ALR Area:

2.2 ha approximately

Present use of the Property:

Primarily for pasture, residence and outbuildings

Surrounding Land Uses:

WEST: Old Vernon Road and turf farm in the ALR
SOUTH: Mobile home park outside the ALR
EAST: Scotty Creek subdivision – outside the ALR
NORTH: Orchard properties (2-4 ha) in the ALR

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:

Ellison Official Community Plan
Designation: Agricultural Lands (A1)

Zoning Bylaw and Designation:

Regional District of Central Okanagan Zoning Bylaw No. 871
Designation: Agricultural (A1)

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

No comment or recommendation has been received for the revised proposal. However, the Regional District supported the original exclusion application. Also the Regional District has a long standing interest in completing Bulman Rd for safety access concerns.

STAFF COMMENTS:

Staff suggests that the Commission consider the following:

- The proposed 0.3 ha exclusion is minor, and would have little, if any impact on the capability of the remnant property.
- The consolidation of the remainders of Lot A and Lot B into a single 5 ha agricultural parcel represents a benefit for agriculture

- The placement of a road on the northerly edge of Lot A, would alienate no more land than what has previously been approved by Res. # 599/96 (see attached map). However, the new road could negatively affect active orchards on its northerly boundary.
- The potential impacts of the road on the orchards is trespass, litter and conflict about spraying. Mitigation in the way of fencing both sides of the road should be considered if the proposal is allowed. Schedule D fencing is recommended.

END OF REPORT

Mart Colli
Signature

July 26/06
Date