



Agricultural Land Commission
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June 7, 2006

Reply to the attention of Brandy Ridout
ALC File #V-36570

David & Margaret Hobson
1655 Geen Road
Kelowna, BC V1P 1C9

Dear Mr. & Mrs. Hobson:

Re: Application to subdivide in the Agriculture Land Reserve

Please find attached the Minutes of Resolution #227/2006 outlining the Commission's decision as it relates to the above noted application.

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

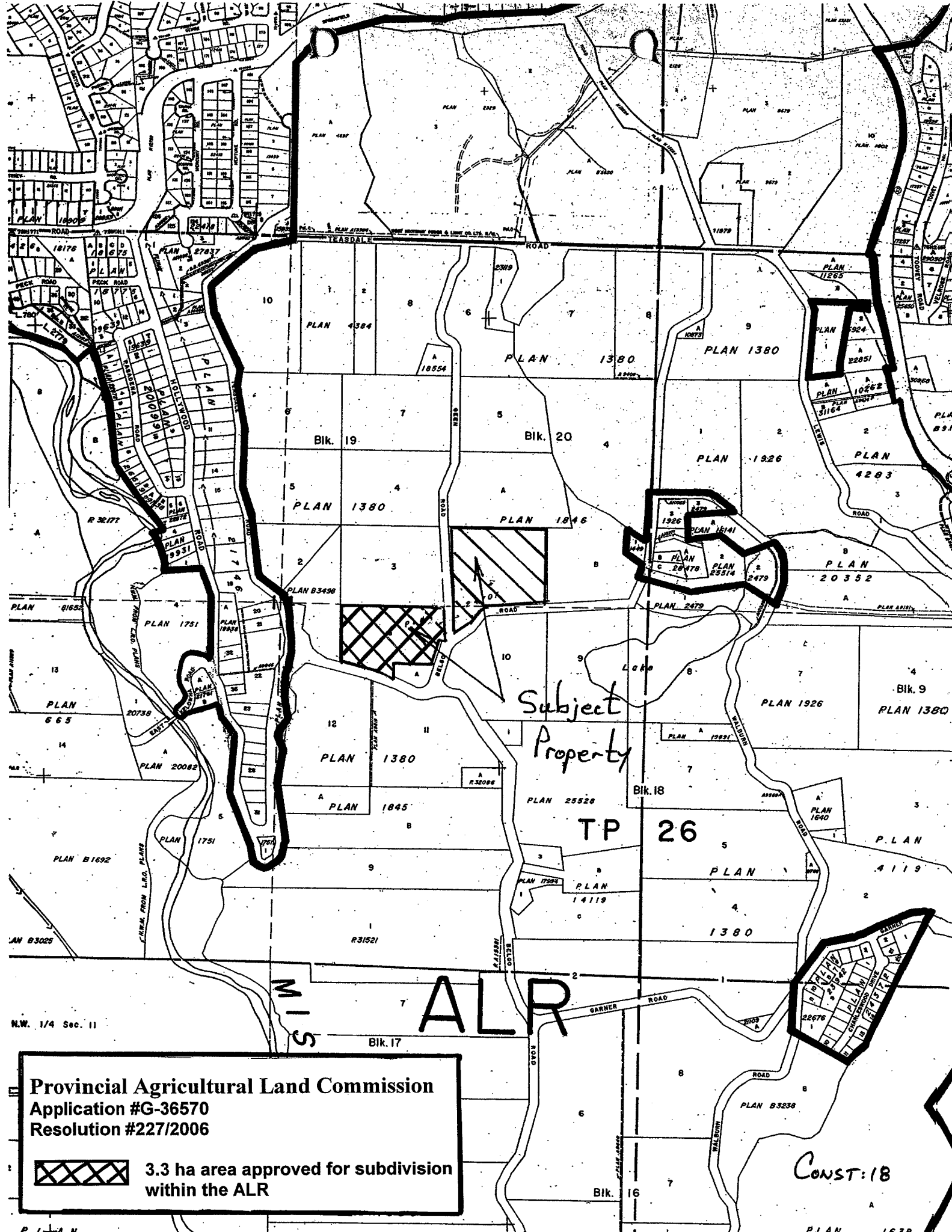
Per:

Erik Karlsen, Chair

cc: City of Kelowna (# A05-0018)

BR/lv/Encl.: Minutes
Sketch Plan

36570d1



Subject
Property

TP 26

ALR

CONST:18

Provincial Agricultural Land Commission
 Application #G-36570
 Resolution #227/2006



3.3 ha area approved for subdivision
 within the ALR

N.W. 1/4 Sec. 11

PLAN

PLAN 1639

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 23, 2006 in Kelowna, BC.

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

For Consideration

Application # G – 36570
Applicants David & Margaret Hobson
Proposal To subdivide the 7 ha subject property into a 3.7 ha lot and a 3.3 ha lot as divided by Geen Road.
Legal PID: 005-853-338
Lot B, Section 14, Township 26, Osoyoos Division Yale District, Plan 24707
Location 1635 Geen Road, Kelowna

Site Inspection

A site inspection was conducted on May 23, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey and Sid Sidhu
- Staff: Brandy Ridout
- Applicant: David Hobson

Mr. Hobson confirmed that he had received the staff report dated May 15, 2006 and did not identify any errors. The Commission requested documentation that Mr. Hobson had owned the eastern portion of the property before December 21, 1972. It was subsequently provided.

Discussion

As the applicants purchased the eastern portion of the property in 1970 and have used it as their primary residence since that time, they qualify for a homesite severance under the *Homesite Severance Policy*. However, the Commission would like to reiterate that no one has an automatic right to a homesite severance, the Commission is the final arbiter as to whether a particular homesite severance meets good land use criteria, and a prime concern of the Commission will always be to ensure that the remainder will constitute a suitable agricultural parcel.

As the Commission believed that the requested 3.3 ha lot and the remaining 3.4 ha lot would constitute suitable agricultural parcels, it would allow the subdivision request. No further subdivision request will be considered under the *Policy*.

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IT WAS

MOVED BY: Commissioner Sidhu

SECONDED BY: Commissioner Irvine

THAT the application be approved

AND THAT the approval is subject to the subdivision be in substantial compliance with the plan submitted with the application.

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 #227/2006



Staff Report
Application # G – 36570
Applicant: David & Margaret Hobson
Location: Kelowna

DATE RECEIVED: March 23, 2006

DATE PREPARED: May 15, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To subdivide the 7 ha subject property into a 3.7 ha lot and a 3.3 ha lot as divided by Geen Road.

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

BACKGROUND INFORMATION:

The applicants state that they purchased the eastern portion of the subject property in January 1970 and the western portion in 1973. As a condition of sale, the western portion was consolidated with their existing lot and registered as a single lot in 1974.

As the applicants purchased the eastern portion of the property in 1970, they potentially qualify for a homesite severance under the *Homesite Severance Policy*. They are requesting subdivision along the road in lieu of a homesite lot.

Local Government:

City of Kelowna

Legal Description of Property:

PID: 005-853-338

Lot B, Section 14, Township 26, Osoyoos Division Yale District, Plan 24707

Purchase Date:

Title provided indicates January 1974

Location of Property:

1635 Geen Road, Kelowna

Size of Property:

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

BACKGROUND INFORMATION (continued):

Present use of the Property:

Orchard, single-family residence, cabin

Surrounding Land Uses:

WEST: ALR, orchard
SOUTH: ALR, orchard
EAST: ALR, orchard
NORTH: ALR, orchard and hayfield

Agricultural Capability:

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

Official Community Plan and Designation:

Kelowna 2020 - Official Community Plan
Future Land Use Designation: "Rural/Agricultural"

Zoning Bylaw and Designation:

Zoning Bylaw No. 8000
Designation: Agriculture 1 (A1)
Minimum lot size: 2 ha

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

City of Kelowna Council: Supported.

Agricultural Advisory Committee: Supports, considers that this subdivision could be considered under the Homesite Severance Policy. Their support is subject to the owner not pursuing a Homesite severance in the future on this parcel.


Planning and Development Services: Support, the boundaries of the proposed two lots will be the boundaries of the existing lot as divided by the legally dedicated and constructed right-of-way for Geen Road. As such, there are already two separate functioning entities in existence.

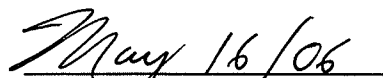
STAFF COMMENTS:

The applicants have been requested to provide documentation showing their ownership of the eastern portion of the property in 1970.

A site visit would allow the Commission to better determine the impact of the proposed subdivision on agriculture.

END OF REPORT


Signature


Date