



Agricultural Land Commission
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July 6, 2006

Reply to the attention of Brandy Ridout
ALC File #V-36632

George Redlich
285 - 321 Yorkton Avenue
Penticton, BC V2A 3V6

Dear Mr. Redlich:

Re: Application to subdivide in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #312/2006 outlining the Commission's decision as it relates to the above noted application. As agent it is your responsibility to notify your clients 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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

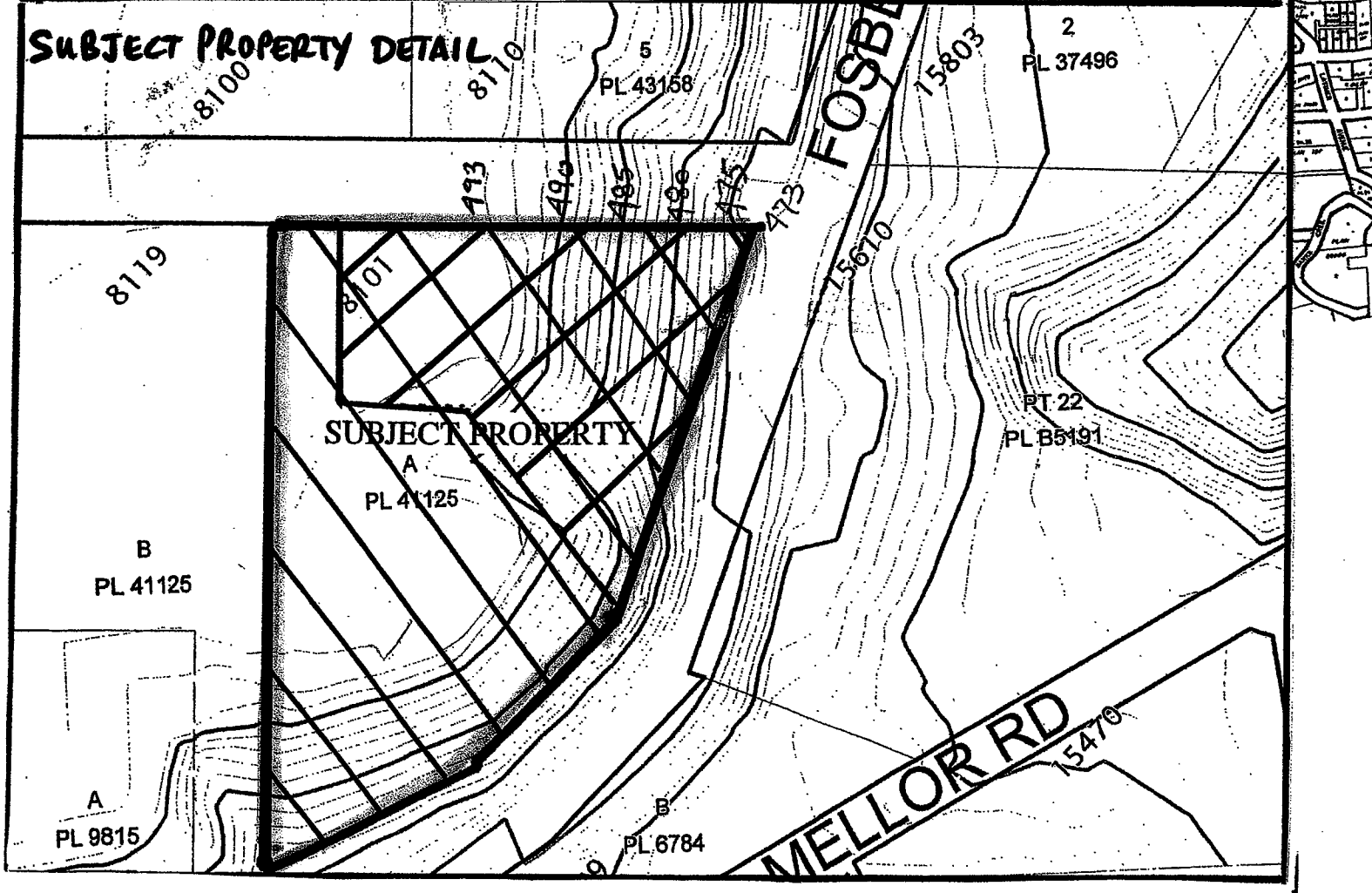
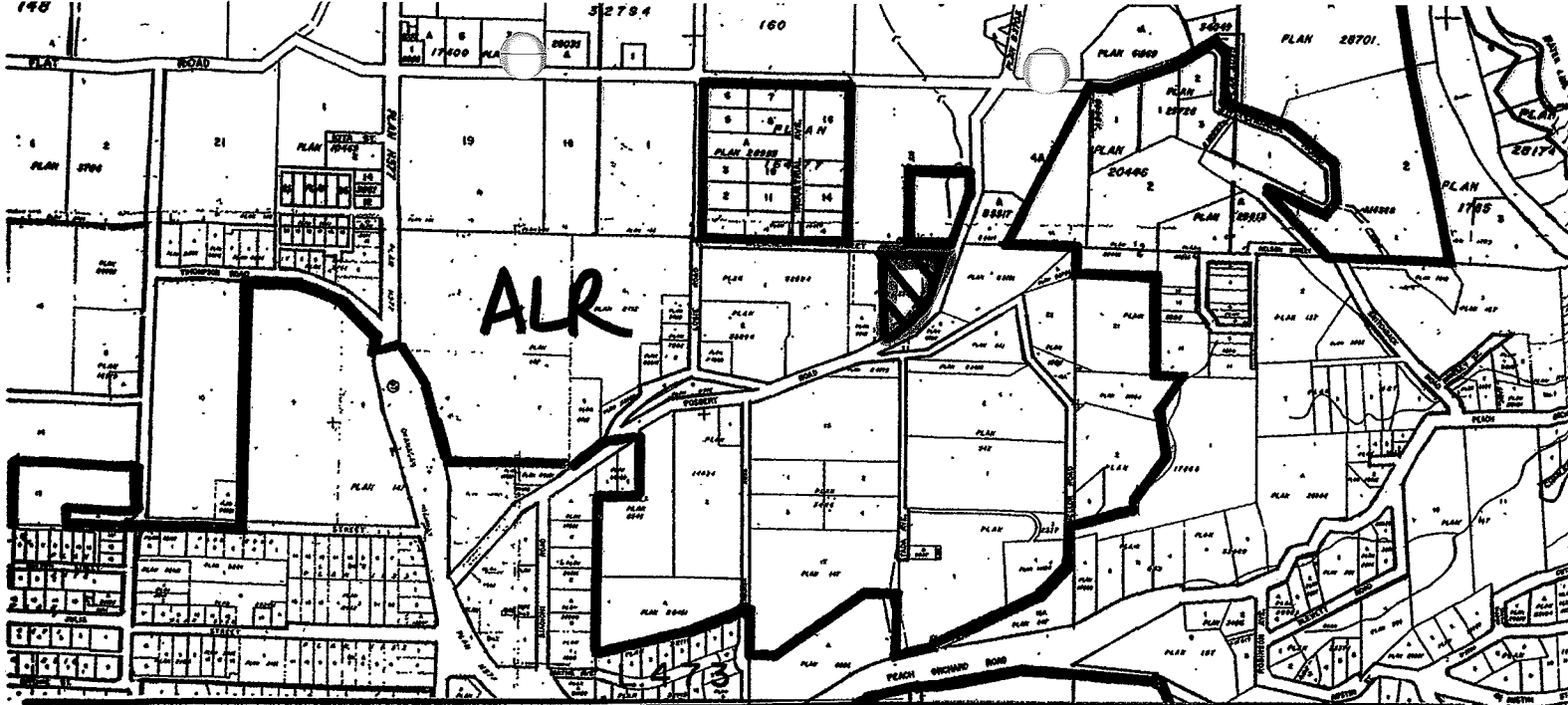
A handwritten signature in black ink, appearing to read 'E. Karlsen', is written over the 'Per:' label.

Erik Karlsen, Chair


cc: District of Summerland (#ALR8101)


BR/lv/Encl.: Minutes
Sketch Plan

36632d1



Provincial Agricultural Land Commission
Application #V-36632
Resolution #312/2006

 **Subject property**

 **0.3 ha area approved for subdivision in the ALR**

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on June 28, 2006 in Kelowna, BC.

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

For Consideration

Application # V – 36632
Applicant(s) Harold McLachlan
Proposal To subdivide the 0.7 ha subject property into two approximately equal-sized lots.
Legal PID: 013-831-020
Lot A, District Lot 473, Osoyoos Division Yale District, Plan 41125
Location 8101 McLachlan Road, Summerland

Site Inspection

A site inspection was conducted on June 27, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey and Sid Sidhu
- Staff: Brandy Ridout
- Applicant: Harold McLachlan
- Agent: George Redlich

Mr. Redlich confirmed that he had received the staff report dated June 20, 2006 and did not identify any errors. A letter was provided from the owner's of the adjacent property stating that they had no objection to any residential development taking place on the subject property.

Discussion

The Commission considered the topography of the subject property and the potential impact of subdivision on agriculture both on the property and in the surrounding area and concluded that the proposed subdivision would have no impact on agriculture.

IT WAS

MOVED BY: Commissioner Sidhu
SECONDED BY: Commissioner McCoubrey

THAT the application be approved subject to the subdivision being 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 #312/2006



Staff Report
Application # V – 36632
Applicant: Harold McLachlan
Agent: George Redlich
Location: Summerland

DATE RECEIVED: April 26, 2006

DATE PREPARED: June 20, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To subdivide the 0.7 ha subject property into two approximately equal-sized lots.
This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The agent states that the land has little agricultural capability. More than 50% of the site has no agricultural value as it is greater than 30% grade and is virtually all sand and gravel. The useable area has an older house and outbuildings.

Local Government:

The Corporation of the District of Summerland

Legal Description of Property:

PID: 013-831-020
Lot A, District Lot 473, Osoyoos Division Yale District, Plan 41125

Purchase Date:

January, 2000

Location of Property:

8101 McLachlan Road, Summerland

Size of Property:

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

Present use of the Property:

Single family residence

BACKGROUND INFORMATION (continued):

Surrounding Land Uses:

WEST: ALR, commercial silviculture operation
SOUTH: ALR, small holdings
EAST: ALR, small holdings
NORTH: Non-ALR, small rural residential lots

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E.062
The majority of the property is identified as having mixed Prime and Secondary ratings.

Official Community Plan and Designation:

OCP Bylaw No. 96-001
Designation: F Farmland

Zoning Bylaw and Designation:

Zoning Bylaw No. 99-001
Designation: A1 Agriculture

PREVIOUS APPLICATIONS:

Application #21651-0

Applicant: Joe & Doris McLachlan
Decision Date: December 14, 1987
Proposal: To subdivide a 0.5 ha lot from the 1 ha subject property under the Homesite Severance Policy.
Decision: Refuse - on the grounds that the remainder is too small to be an agricultural unit. However, if the remainder could be consolidated with an adjacent property, the Commission would allow the subdivision.
Allowed - after a reconsideration with a covenant restricting buildings on the 0.5 ha remainder.

RELEVANT APPLICATIONS:

Application #21964-0

Applicant: Gil & Edi Inglis
Decision Date: 1988
Proposal: To subdivide the undeveloped northern half from the 3.2 ha subject property.
Decision: Refused - but would consider if remainder consolidated with an adjacent parcel.
Reconsideration - to allow a 1.7 lot and 1.5 ha lot. Allowed.

Application #23607-0

Applicant: Gil & Edi Inglis
Decision Date: 1989
Proposal: The exclude the easterly 0.7 ha of the 1.3 ha subject property.
Decision: Allowed.

RELEVANT APPLICATIONS (continued):

Application #26337-0

Applicant: Gil & Edi Inglis
Decision Date: 1991
Proposal: To subdivide the 1.9 ha subject property into 3 lots of 0.1 ha, 0.2 ha and 1.6 ha.
Decision: Refused - the Commission acknowledged that while the topography of the property was a substantial limitation to agriculture, it also provided a physical separation between the "industrial" uses located to the west of the property and the agricultural uses located to the north and east. It was noted that in previous decisions to allow subdivision in this area, attempts had been made to limit any negative impact that could result from the creation of residential lots adjacent to agricultural operations. The Commission was prepared to permit a 0.1 ha lot in the northwest corner of the subject property (later agreed to a 0.3 ha lot).

Application #26346-0

Applicant: Gil Inglis
Decision Date: February 10, 1992
Proposal: To exclude the 0.6 ha subject property for residential development.
Decision: Refused based on agricultural capability and size.

Application #26346-1

Applicant: Gil Inglis
Decision Date: September 25, 1997
Proposal: To subdivide the 0.6 ha property into three 0.2 ha lots.
Decision: Refused due to reasons of impact.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Summerland Council: Support and that the following conditions are met prior to adoption:
1. Required buffers are in place to meet current ALC guidelines
2. A covenant be registered on the lands to guarantee maintenance of the buffer by future property owners.

Summerland Agricultural Advisory Committee: Recommends support.

STAFF COMMENTS:

Staff suggests the Commission consider the following:

- The land to the north was excluded from the ALR under application #V-23607.
- The topographical maps show the slope of the property to be quite steep, a site visit would allow the Commission to get a better idea of the actual impediment to farming posed by the slope.
- The impact on surrounding agricultural uses would be minimal as the property to the north is not in the ALR, the road is along the eastern and southern borders of the property, and the property to the west is a silviculture operation.
- Of the property's 0.7 ha area, only a portion is useable for agriculture.

END OF REPORT

Signature

Date

June 26, 06