



Agricultural Land Commission
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July 18, 2006

Reply to the attention of Brandy Ridout
ALC File #G-36641

Christopher Turton
2430 Grantham Road
Kelowna, BC V1W 4B7

Dear Mr. Turton:

Re: Application to subdivide in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #320/2006 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karsen, Chair

cc: City of Kelowna - A06-0002
Jennifer Turton-Molgat, 11311 Mimar Road, Lake Country, BC - V4V 1H7

BR/lv/Encl.: Minutes
36641d1

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 # G – 36641
Applicant(s) Christopher Turton
Proposal To subdivide the 8.4 ha subject property into two lots of roughly equal size (4.1 ha and 4.3.ha) for the applicant's daughter and family.
Legal PID: 024-609-781
Lot A, Section 4, Township 26, Osoyoos Division Yale District, Plan KAP65455
Location 2430 Grantham Road, East Kelowna

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
- Agent: Jennifer Turton-Molgat

Mrs. Turton-Molgat confirmed that she had received the staff report dated June 19, 2006 and did not identify any errors.

Discussion

As Section 946 of the *Local Government Act* is irrelevant to the Commission's consideration of whether or not subdivision of ALR land is appropriate, the Commission considered the application in terms of its impact on agriculture.

The Commission was sympathetic to Mrs. Turton-Molgat's statement that she could not afford or manage the whole property as she appeared sincere in her wish to farm a portion of the property. The Commission acknowledged that there are many difficulties faced by people wanting to get a start in agriculture – namely land prices, the costs of replanting, availability of farm workers – but that these are not reasons to allow subdivision of agricultural land. The Commission believed that subdivision would negatively impact the subject property in the long-term as it would narrow the range of agricultural options available to the owner of the property.

As the applicant is eligible for the subdivision of a homesite lot under the *Homesite Severance Policy*, the Commission would reconsider the present application upon receipt of a revised application that proposed to subdivide a smaller lot.

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IT WAS

MOVED BY: Commissioner Sidhu

SECONDED BY: Commissioner McCoubrey

THAT the application be refused

CARRIED

RESOLUTION #320/2006



Staff Report
Application # G – 36641
Applicant: Christopher Turton
Agent: Jennifer Turton-Molgat
Location: Kelowna

DATE RECEIVED: April 27, 2006

DATE PREPARED: June 19, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To subdivide the 8.4 ha subject property into two lots of roughly equal size (4.1 ha and 4.3 ha) for the applicant's daughter and family.

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

BACKGROUND INFORMATION:

Two previous applications have been considered on the property. In 1976, under application #G-03413, a 0.4 ha portion of the property was subdivided and consolidated with an adjoining 0.2 ha property. In 1983, under application #G-16645, the subdivision of the 15.5 ha property into two equal-sized lots was refused. However, in 1999, the 0.6 ha lot created by the previous consolidation was rejoined to the 15.5 ha property and the current 8.4 ha subject property was subdivided. There is no record of Commission approval of the subdivision that took place in 1999.

This application is similar to several recent applications in Kelowna that propose to subdivide a lot for a family member. The impetus for the application is the existence of section 946 of the *Local Government Act*, which permits the subdivision of a lot for a landowner's relative, subject to conditions. Section 946 subdivision does not require that a subdivision be supported by local government bylaw(s).

In a letter from the Commission to the City of Kelowna dated January 10, 2006, the subject of Section 946 is commented on:

While the Commission has developed a policy concerning homesite severances on ALR lands, it is under no obligation to approve subdivisions to provide a residence for a relative.

The Commission encourages local governments to use Section 946 of the Local Government Act to facilitate the creation of homesite severance subdivisions when such subdivisions have been approved by the Commission in accordance with its Homesite Severance Policy. In these cases, it is the Commission's understanding that Section 946 can provide a means for the local government to consider a parcel smaller than a zone allows without rezoning.

BACKGROUND INFORMATION (continued):

During the applicant's meeting with the City of Kelowna's Agricultural Advisory Committee, the topic of a homesite severance was discussed. The applicant's agent (his daughter) noted that a the lot configuration being proposed would provide the opportunity to have two manageable farms.

Local Government:

City of Kelowna

Legal Description of Property:

PID: 024-609-781
Lot A, Section 4, Township 26, Osoyoos Division Yale District, Plan KAP65455

Purchase Date:

May 1968

Location of Property:

2430 Grantham Road, East Kelowna

Size of Property:

8.5 ha (The entire property is in the ALR)

Present use of the Property:

Residential dwelling, redundant apple orchard

Surrounding Land Uses:

WEST: ALR, apple orchard
SOUTH: ALR, small rural residential parcel, and larger 4 ha orchards and developing vineyard
EAST: ALR, rural residential and apple orchards
NORTH: ALR, vacant apple orchard (6 ha)

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E.083
The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

Kelowna's 2020 OCP
Designation: Rural/Agricultural

Zoning Bylaw and Designation:

Zoning bylaw No. 8000
Designation: A1 Agriculture
Minimum lot size: 2 ha

PREVIOUS APPLICATIONS:

Application #03413

Applicant: Christopher Turton
Decision Date: 1976
Proposal: To subdivide a 0.4 ha portion from the 16.9 ha property and consolidate it with Lot D (0.2 ha).
Decision: Allowed.

Application #16645-0

Applicant: Christopher Turton
Decision Date: July 14, 1983
Proposal: To subdivide the 15.5 ha property into two equal-sized lots.
Decision: Refused - on the grounds that the proposed subdivision would reduce the potential of the parcel to operate as a commercial orchard.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The City of Kelowna: Forwarded the application without comment.

The City of Kelowna Agricultural Advisory Committee: Did not support the application because it typically makes those parcels less practical for bona fide farming operations.

Planning and Corporate Services Department: The application not be supported by Council. The relevant City policy documents do not support the creation of additional lots within the Agricultural Land Reserve, except as a homesite severance application that is consistent with the Commission's policy.

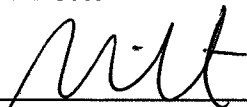
STAFF COMMENTS:

Staff recommends that the Commission consider the following:

- The applicant appears to be eligible for a homesite lot under the *Homesite Severance Policy*.
- The proposed subdivision may narrow the range of agricultural options available to the property. As parcel sizes decrease in size, potential agricultural income declines and rural residential pressures increase.
- Subdivision of the property into two 7.8 ha lot was refused on the grounds that subdivision would reduce the agricultural capability of the property.
- Section 946 of the *Local Government Act* is irrelevant to the Commission's consideration of whether or not subdivision of ALR land is appropriate.

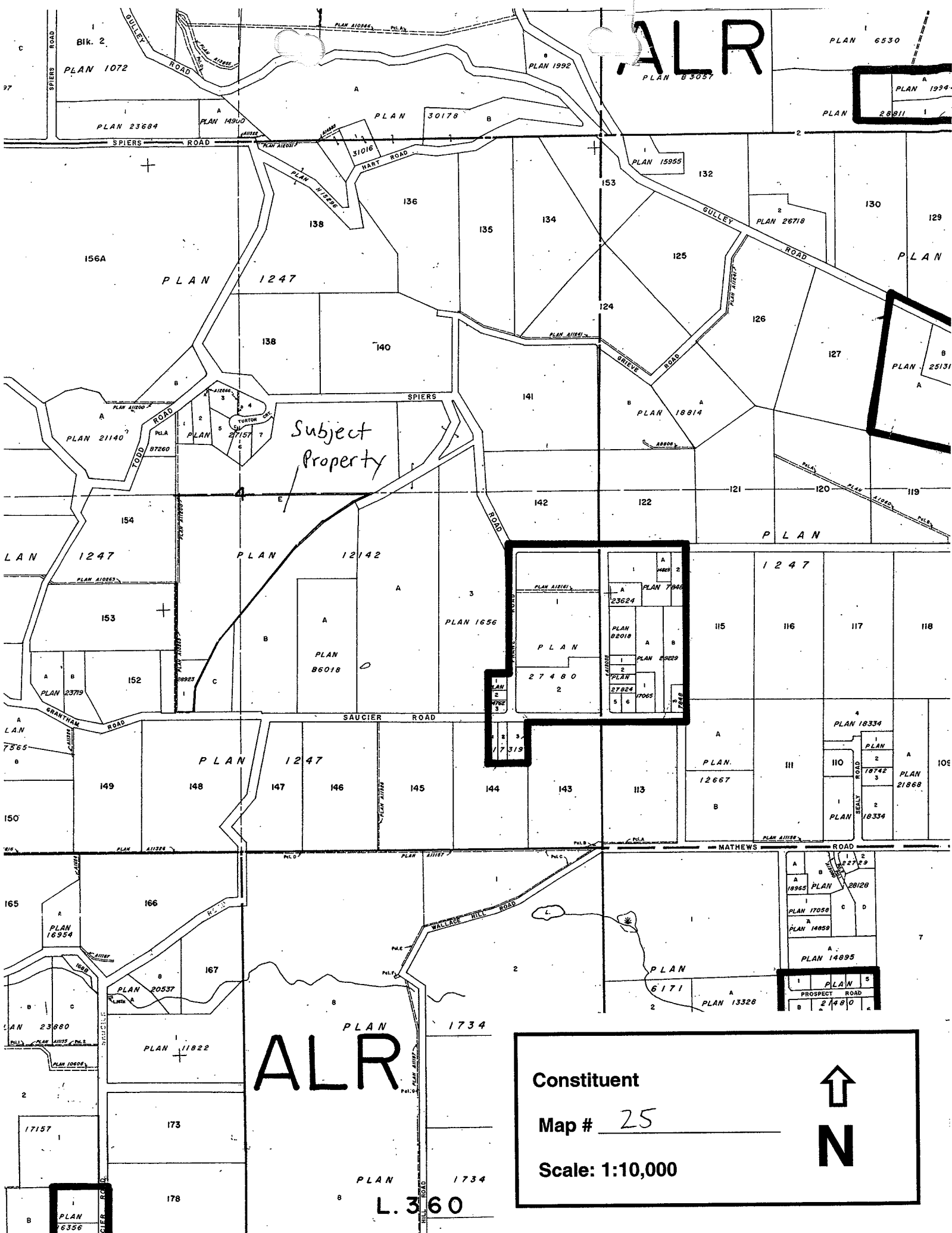
END OF REPORT

Signature



Date

June 20, 2006



ALR
PLAN 83037

ALR

Subject Property

Constituent

Map # 25

Scale: 1:10,000

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