



**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

July 13, 2006

Reply to the attention of Brandy Ridout  
ALC File #G-36719

Third Endeavor Inc.  
3865A Spiers Road  
Kelowna, BC V1W 4B2

Dear Mrs. Stirling:

**Re: Application to subdivide in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution #319/2006 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Kansen, Chair

cc: City of Kelowna (#A06-0009)  
David Stirling, 3975 Hart Road, Kelowna, BC - V1W 4B2

BR/lv/Encl.: Minutes  
36719d1.

## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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

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

### For Consideration

Application # G – 36719  
Applicant Third Endeavor Inc.  
Proposal To subdivide a 1.7 ha lot from the 7.3 ha subject property under the *Homesite Severance Policy*.  
Legal PID: 011-689-544  
Lot 138, Section 4, Township 26, Osoyoos Division Yale District, Plan 1247, Except Plans H15296 and 39975  
Location 3865A Spiers Road, Kelowna

### Site Inspection

A site inspection was conducted on June 28, 2006. Those in attendance were:

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

Mr. Stirling confirmed that he received the staff report dated June 26, 2006. He wished to clarify that the applicant did not believe that she had already been granted a homesite lot under the *Homesite Severance Policy*. However, reference to the previous application on the property (#G-19105) showed that the lot that had been approved had been a homesite lot, even though it had ultimately been given to the applicant's daughter.

### Discussion

The Commission noted that the *Homesite Severance Policy* had already been satisfied under the applicant's previous application (#G-19105). It also noted that "where an applicant for a "homesite severance" has had a previous subdivision application approved by the Commission resulting in the creation of a separate parcel, the Commission may consider the previous approval as having fulfilled the objectives of the *Homesite Severance Policy* and may deny any further consideration under the *Homesite Severance Policy*." As such, the Commission did not support the creation of an additional residential lot on the property.

The Commission acknowledged that the majority of the proposed lot was not suitable for agriculture as it was a steep gully. It was also pointed out by Mr. Stirling that the portion of the property lying to the north of Hart Road and to the east of the gully was designated for future road dedication. However, the Commission believed that the subdivision of a small lot from the property would negatively impact agriculture by introducing an additional residential lot into a farming area and removing land from agricultural production through the construction of an additional homesite.

Page 2 - #36719

**IT WAS**

**MOVED BY:** Commissioner Sidhu

**SECONDED BY:** Commissioner Irvine

THAT the application be refused on the grounds that it would have a negative impact on agriculture

**CARRIED**

**RESOLUTION #319/2006**



**Staff Report**  
**Application # G – 36719**  
**Applicant: Third Endeavor Inc.**  
**Agent: David Stirling**  
**Location: Kelowna**

**DATE RECEIVED:** May 23, 2006

**DATE PREPARED:** June 26, 2006

**TO:** Chair and Commissioners – Okanagan Panel

**FROM:** Brandy Ridout, Regional Research Officer

**PROPOSAL:** To subdivide a 1.7 ha lot from the 7.3 ha subject property under the *Homesite Severance Policy*.

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

**BACKGROUND INFORMATION:**

The home on the property was built by Peter and Ruth Stirling in 1951, although they did not become the registered owners of the property until 1963. In 1986, under application #G-19105, the subdivision of a homesite lot was approved and in 1988 a 0.5 ha lot was subdivided from the current subject property.

David Stirling, the applicant's son and agent, would like to buy the remainder of the property.

It is stated that the subdivision of the homesite, relative to the surrounding natural topographical and geographical features, would have little or no adverse impact on adjacent farming operations.

**Local Government:**

City of Kelowna

**Legal Description of Property:**

PID: 011-689-544

Lot 138, Section 4, Township 26, Osoyoos Division Yale District, Plan 1247, Except Plans H15296 and 39975

**Purchase Date:**

May 23, 1963

**BACKGROUND INFORMATION (continued):**

**Location of Property:**

3865A Spiers Road, Kelowna

**Size of Property:**

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

**Present use of the Property:**

Approximately 2.8 ha of mature apple orchard, 1.8 ha residential/yard, and the remainder undeveloped. Buildings include a single family residence and a garage/shed (about 50 years old).

**Surrounding Land Uses:**

**WEST:** Spiers Road, apple orchard  
**SOUTH:** Apple orchard, residence  
**EAST:** Hayfield  
**NORTH:** Gulley Road and Hart Road

**Agricultural Capability:**

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

**Official Community Plan and Designation:**

City of Kelowna 2020 Official Community Plan  
Designation: Rural/Agricultural

**Zoning Bylaw and Designation:**

Designation: Agriculture 1  
Minimum lot size: 2 ha (when in ALR)

**PREVIOUS APPLICATIONS:**

**Application #19105-0**

**Applicant:** Stirling Orchards Ltd.  
**Decision Date:** December 16, 1985  
**Proposal:** To subdivide a 0.6 ha homesite lot from the 7.8 ha subject property.  
**Decision:** Allowed - subject to the remainder of the property be transferred within two (2) years.

---

**Application #19105-1**

**Applicant:** Stirling Orchards Ltd.  
**Decision Date:** May 25, 1987  
**Proposal:** To reconsider the 0.6 ha subdivision that was previously allowed. The applicants are requesting the subdivision of an additional 0.74 ha lot in addition to the 0.6 ha homesite lot.  
**Decision:** Refused - will allow the subdivision of either the 0.74 ha lot or the 0.6 ha lot.  
**A 0.5 ha homesite lot in the southwest corner of the property was subdivided in 1988.**

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**City of Kelowna Council:** The application be forwarded with support for a homesite severance.

**Agricultural Advisory Committee:** Supports application to obtain permission to subdivide within the Agricultural Land Reserve to accommodate a homesite severance. The application is supported based on the longevity of ownership and because the northern portion of the property has limiting topography, thereby restricting the agricultural use of this portion of the proposed homesite lot.

**STAFF COMMENTS:**

Staff suggest the Commission consider the following:

- The applicant was granted a 0.5 ha homesite lot under application #G-19105.
- The portion of the property north of Hart Road has limited agricultural capability (Class 6 and 7).
- The possibility of subdividing only the portion north of the road and leaving the present home with the remainder could be discussed with the applicant.

---

**END OF REPORT**

  
\_\_\_\_\_  
Signature

June 26, 06  
\_\_\_\_\_  
Date