



**Agricultural Land Commission**  
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November 21, 2006

Reply to the attention of Brandy Ridout  
ALC File: G-36923

Roberto and Lynn Russo  
2851 Old Vernon Road  
Kelowna, BC V1X6N8

Dear Mr. and Mrs. Russo:

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

Please find attached the Minutes of Resolution # 583/2006 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the printed name.

Erik Karlsen, Chair

cc: Regional District of Central Okanagan (A-06-06)

Enclosure: Minutes

BR/eg  
i/36923d1



### **Assessment of Agricultural Capability**

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the subject property is approximately 20% Class 2 (limitation of aridity) and 80% Class 3 (limitations of aridity, stoniness and topography)

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

### **Assessment of Agricultural Suitability**

The Commission next assessed whether the external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission did not believe there are external factors that render the land unsuitable for agricultural use.

### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission believed that subdividing a residential lot from the subject property would make the remainder less suitable for agriculture in that less land would be available to agriculture. In addition, it noted that the presence of the residential lot would eventually lead to urban/rural conflict when non-farmers owned the lot. The Commission believed the proposal would negatively impact existing or potential agricultural use of the subject property.

### **Assessment of Other Factors**

Although the Commission has the discretion to allow subdivision of a lot to a farmer that does not meet the qualifications of the *Policy*, in this case, it did not feel that allowing subdivision of a lot would be in keeping with the intent of the *Policy* as the applicant's parents had not lived on the property for approximately 10 years.

### **Conclusions**

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will impact agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

### **IT WAS**

**MOVED BY:** Commissioner Sidhu  
**SECONDED BY:** Commissioner McCoubrey

THAT the application to subdivide a 0.2 ha parcel from the 6.1 ha subject property under the *Homesite Severance Policy* be refused on the grounds that the applicant does not qualify under the *Policy* and the subdivision of a residential lot would negatively impact agriculture.

**CARRIED**

**Resolution #583/2006**



**Staff Report**  
**Application # G – 36923**  
**Applicant: Roberto and Lynn Russo**  
**Location: Kelowna**

**DATE RECEIVED:** September 6, 2006

**DATE PREPARED:** October 5, 2006

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

**FROM:** Terra Kaethler, Land Use Planner

**PROPOSAL:** To subdivide a 0.2 ha parcel from the 6.1 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 applicant's parents purchased the property in 1961 and have a long history of farming. They were not aware of the homesite severance policy and never applied. The applicant bought the property from them in 1994. The area proposed for subdivision is unplanted due to poor soil quality. The proposed 0.2 ha parcel would be used to provide a residence for the applicants parents.

**Local Government:**

Regional District of Central Okanagan

**Legal Description of Property:**

PID: 011-512-211

That part of Lot 6, shown on Plan B1345, Section 1, Township 23, Osoyoos Division Yale District, Plan 1611

**Purchase Date:**

April 1997

**Location of Property:**

2851 Old Vernon Road - Adjacent to Old Vernon Road and Lakha Road

**Size of Property:**

6.1 ha (The entire property is in the ALR)

### **BACKGROUND INFORMATION (continued):**

#### **Present use of the Property:**

Cherry and apple orchard, residence, garage, shed and chickens

#### **Surrounding Land Uses:**

**WEST:** Hay field, equestrian centre and modular house  
**SOUTH:** Apple Orchard, residence  
**EAST:** Apple Orchard, residence and Lakha Road  
**NORTH:** Apple Orchard, 2 homes, small cabin

#### **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:**

OCP: Bylaw No. 1124  
 Designation: Agricultural

#### **Zoning Bylaw and Designation:**

Designation: A1 (Agricultural)

### **RELEVANT APPLICATIONS:**

#### **Application #25252-0**

**Applicant:** Schlender & Scherer, Otto & Lydia; Meta  
**Decision Date:** June 7, 1991  
**Proposal:** To subdivide a 1.5 ha lot, a 1.6 ha lot and a 2.1 ha lot from the 5.2 ha property.  
**Decision:** Refused on the grounds that the Commission did not wish to create significantly smaller parcels in this area.

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#### **Application #29534-0**

**Applicant:** Toshiya Suzuki  
**Decision Date:** February 28, 1995  
**Proposal:** Subdivide a 0.4 ha lot containing the existing residence from the 9.0 ha subject property under the *Homesite Severance Policy*.  
**Decision:** Refused as proposed. The Commission would allow the creation of a 0.4 ha lot subject to installation of buffering along the east and north boundaries; a second option would be to subdivide a 0.6 ha lot from the northeast corner of the property.

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#### **Application #29912-0**

**Applicant:** Takamori Ikenouye  
**Decision Date:** July 15, 1995  
**Proposal:** To subdivide a 0.5 ha lot containing the homesite from the 3.7 ha property.  
**Decision:** Refuse as submitted on the grounds that the agricultural remainder would be too small, but that approval be granted to the following two options: 1) Subdivision of the proposed 0.5 ha lot subject to consolidation to the property to the north; or 2) Consolidation to the property to the north and subdivision along the grade break to create an alternate homesite lot from the northern property.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Regional District of Central Okanagan Board:** Supports a home-site severance.

**Regional District of Central Okanagan Planning Services Department:** Consensus could not be reached; recommends that the application be forwarded to the Commission without a recommendation for consideration.

**Advisory Planning Commission:** Supports as per Ellison OCP.

**Agricultural Advisory Committee:** Could not reach majority consensus. Noted that an accessory home would be allowed with size limitations. Suggested that a soil capability report be done, and if poor condition exist, the application could be supported.

**Local Government Staff:** No specific comments or objections to the application.

**OTHER COMMENTS:**

**Land Use Agrologist, Ministry of Agriculture and Lands:** Oppose application as it does not meet *Homesite Severance Policy* criteria, and family has not continuously farmed or resided on property. The area currently has several small residential subdivisions; allowing this application would set precedence and accelerate a process of urbanization in the area, negatively effecting agriculture.

**STAFF COMMENTS:**

Staff suggests the Commission consider the following:

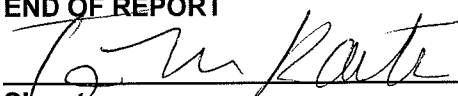
- The applicant does not qualify under the *Homesite Severance Policy*.
- A soil capability report has not been prepared to substantiate that the area to be subdivided is of poor soil quality. The property is identified as having Prime Dominant ratings. A site visit may provide additional information to clarify the agricultural capability ratings for the site.
- An additional lot would introduce an additional residence into an agricultural area.
- It is unlikely that the 0.2 ha parcel would be used for agriculture.

**ATTACHMENTS:**

- Planning Services Department Report
- Additional information from applicant
- ALR Constituent map #13
- Air Photo: Source RDCO
- Site Map from Applicant

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END OF REPORT

  
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Signature

  
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Date