



**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

February 23, 2007

Reply to the attention of Brandy Ridout  
ALC File: #G - 37153

Sandi Horning  
City of Kelowna  
1435 Water Street  
Kelowna, BC V1Y 1J4

Dear Madam:

**Re: Application to Subdivide land within the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 19/2007 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: George Barbour/Robin Gabert, 1850 Hollywood Road South, Kelowna V1X 4P4

Enclosure: Minutes/Sketch Plan

MC/lv/37153d1

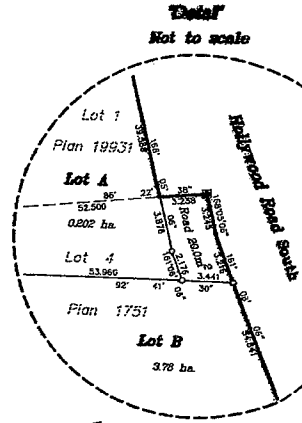
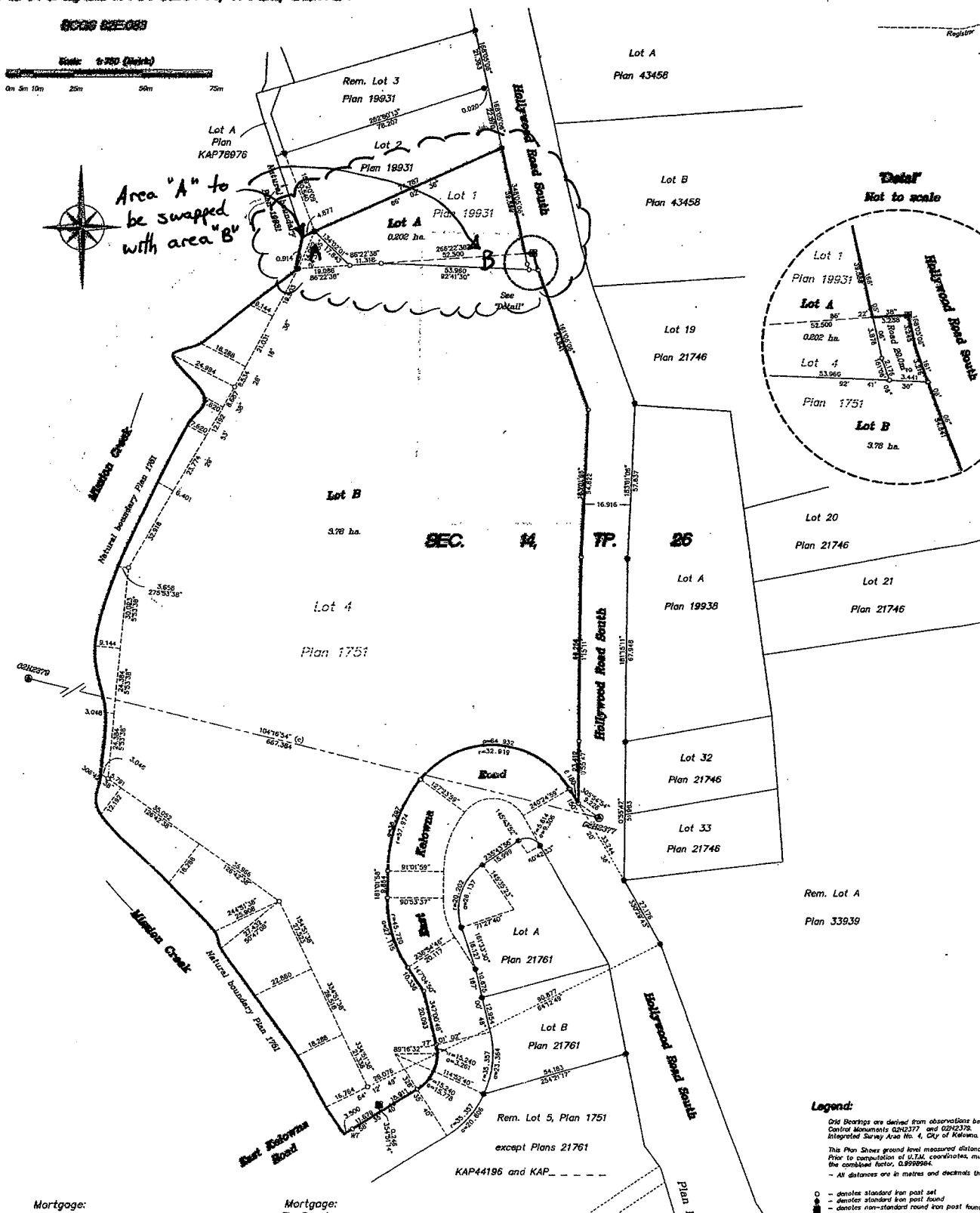
**PLAN OF SUBDIVISION OF LOT 1, PLAN 19931 and LOT 4, PLAN 1751, BOTH IN SEC. 14, TP. 26, O.D.Y.D.**

**Plan KAP**  
Deposited in the Land Title Office  
this day of

8006 82E089



Area "A" to be swapped with area "B"



**SEC. 14, TP. 26**

**Legend:**  
Old bearings are derived from observations base  
Central Monuments 0242377 and 0242378.  
Integrated Survey Area No. 4, City of Kelowna. A  
Prior to computation of U.T.M. coordinates, multi  
the combined factor, 0.9999964.  
- All distances are in metres and decimals ther  
○ - denotes standard iron post set  
● - denotes standard iron post found  
■ - denotes non-standard round iron post found

Mortgage: Mortgage:

**APPLICATION G-37153  
RES # 19/2007**



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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A meeting was held by the Provincial Agricultural Land Commission on February 12, 2007 at Salmon Arm, B.C.

<b>PRESENT:</b>	Sue Irvine	Chair, Okanagan Panel
	Sharon McCoubrey	Commissioner
	Sid Sidhu	Commissioner
	Jennifer Carson	Staff
	Martin Collins	Staff

### For Consideration

Application: # G - 37153  
Applicant: City of Kelowna  
Proposal: To subdivide to complete a lot line adjustment, exchanging 0.145 ha of land between the two (2) adjoining parcels.  
Legal: PID: 011-357-282  
Lot 4, Section 14, Township 26, ODYD, Plan 1751;  
PID: 007-932-464  
Lot 1, Section 14, Township 26, ODYD, Plan 19931;  
Location: 1850 and 1960 Hollywood Road, Kelowna

### Site Inspection

No site inspection was conducted because the proposal affected a non ALR residential parcel, and a park property.

### Discussion

The Commission had no objection to the proposal because the amount of land was so small, and was used by the residential landowner as part of his yard area.

### **IT WAS**

**MOVED BY:** Commissioner Sid Sidhu  
**SECONDED BY:** Commissioner Sue Irvine

THAT the application be allowed.

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the attached plan
- the subdivision must be completed within three (3) years from the date of this decision.

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 # 19/2007**



**Staff Report**  
**Application # G – 37153**  
**Applicant: City of Kelowna**  
**Agent: Sandi Horning 1435 Water St., Kelowna, B.C.**

**DATE RECEIVED:** December 29, 2006

**DATE PREPARED:** February 1, 2007

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

**FROM:** Brandy Ridout, Land Use Planner

**PROPOSAL:** To undertake a lot line adjustment, exchanging 0.145 ha of land between the two (2) parcels. Lot 1, lies outside the ALR and is 0.2 ha. Lot 4, (a 3.8 ha parcel) lies wholly within the ALR and is part of the Mission Creek Park system.

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

**BACKGROUND INFORMATION:**

The boundary adjustment cannot be concluded by the approving officer under B.C. Regulation 171/2002 because the 0.2 ha residential property lies outside the ALR and is smaller than 1 ha.

The boundary adjustment is to facilitate the acquisition of the most westerly portion of the property by the City. This is consistent with the partial acquisition of three other lots to the north. The City, as the new upland owner can then apply to the Surveyor General for accretion of the land adjacent to the creek. This accreted land is adjacent to Regional Park and City owned land. The intent is to obtain the accretion in order to maintain it in its natural state. The land to be added to the south of the subject property in exchange is actually already occupied by the land owner (a hedge).

**Local Government:**

City of Kelowna

**Legal Description of Property:**

PID: 011-357-282

Lot 4, Section 14, Township 26, Osoyoos Division of Yale District, Plan 1751;

PID: 007-932-464

Lot 1, Section 14, Township 26, Osoyoos Division of Yale District, Plan 19931;

**Purchase Date:**

01/01/1996

**Location of Property:**

1850 and 1960 Hollywood Road, Kelowna

**Size of Property:**

0.2 ha (The residential property is outside the ALR).  
3.8 ha (Kelowna Park property wholly in the ALR)

**Present use of the Property:**

Residential and vacant agricultural Land (ALR)

**Surrounding Land Uses:**

**WEST:** Mission Creek, Agricultural ALR  
**SOUTH:** Residential Non ALR  
**EAST:** Residential Non ALR  
**NORTH:** Residential Non ALR

**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:**

City of Kelowna OCP Bylaw No. 7600 - Parks/Open Space and Single/Two Unit Residential

**Zoning Bylaw and Designation:**

City of Kelowna Zoning Bylaw No. 8000 Designation: RU1 - Large Lot Housing  
Minimum Lot Size: 0.055 ha

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

No comments or recommendations

**STAFF COMMENTS:**


Staff recommends that the application be allowed because the area under request is minor, and no agricultural lands are affected.

**ATTACHMENTS:**

- ALC 1:10,000 scale map
- Applicant's subdivision plan

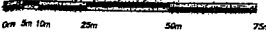
**END OF REPORT**

  
\_\_\_\_\_  
Signature

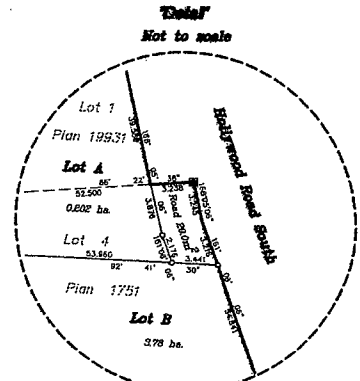
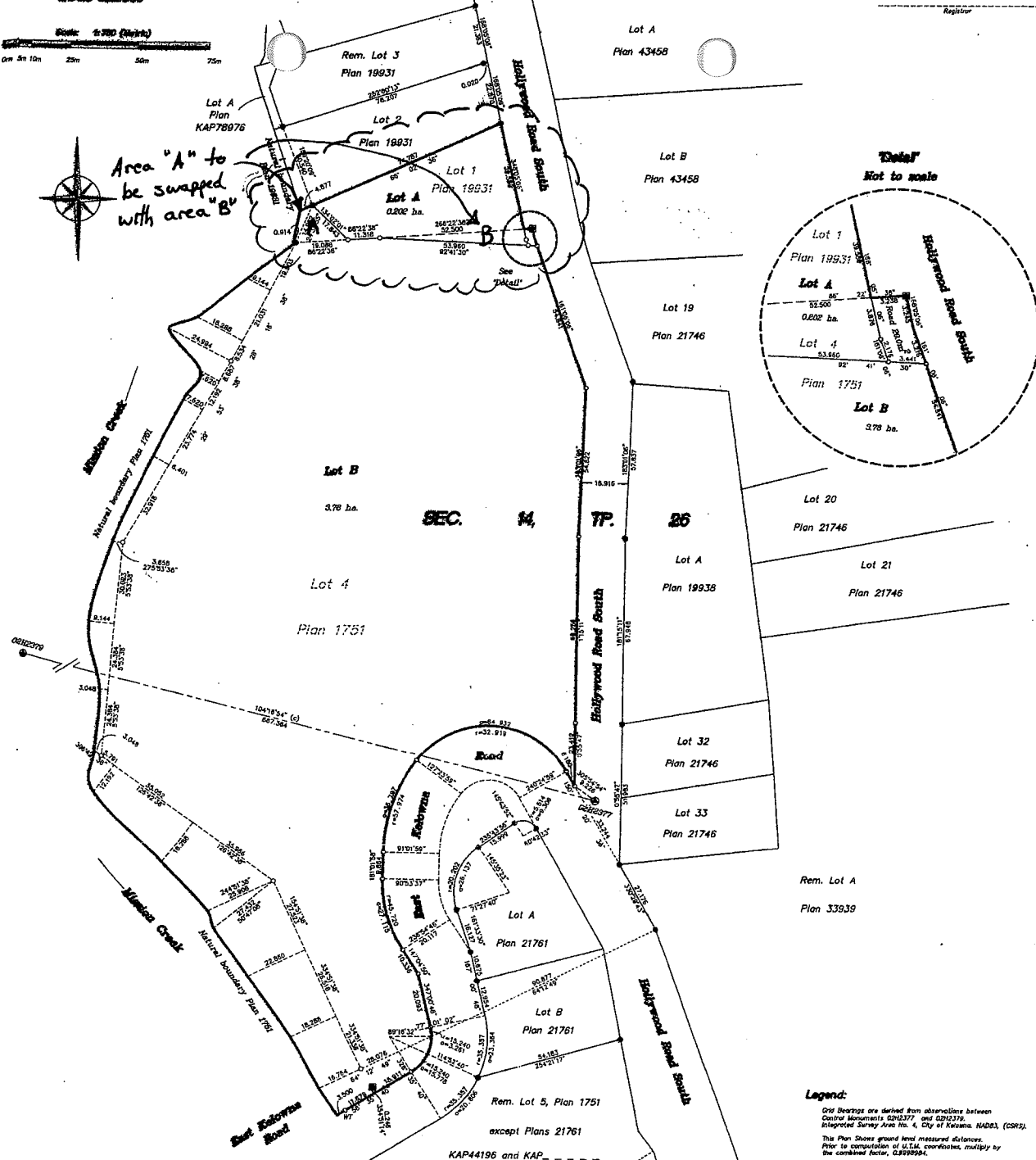
  
\_\_\_\_\_  
Date



Scale: 1:250 (Metric)



Area "A" to be swapped with area "B"



**Mortgage:**  
The Canada Trust Company  
Witness:

Authorized Signatory \_\_\_\_\_  
Authorized Signatory (Print name) \_\_\_\_\_  
Address \_\_\_\_\_  
Occupation \_\_\_\_\_

**Mortgage:**  
The Toronto-Dominion Bank  
Witness:

Authorized Signatory \_\_\_\_\_  
Authorized Signatory (Print name) \_\_\_\_\_  
Address \_\_\_\_\_  
Occupation \_\_\_\_\_

**Owners:**  
Witness:

George Lawrence Barbour \_\_\_\_\_  
Robb Lynn Gohert (Print name) \_\_\_\_\_  
Address \_\_\_\_\_  
Occupation \_\_\_\_\_

**Owner:**  
City of Kelowna  
Witness:

Mayor \_\_\_\_\_  
Clerk (Print name) \_\_\_\_\_  
Address \_\_\_\_\_  
Occupation \_\_\_\_\_

**Legend:**  
Old boundaries are derived from observations between Control Monuments 0243377 and 0243379. Interpreted Survey Area No. 4, City of Kelowna, NAD83, (CORS). This Plan Shows ground level measured distances. Prior to computation of U.S.A. coordinates, multiply by the combined factor, 0.999994. All distances are in metres and decimals thereof.

○ - denotes standard iron post set  
● - denotes standard iron post found  
⊖ - denotes non-standard round iron post found  
⊙ - denotes control monument  
WT - witness

This Plan lies within the Central Okanagan Regional District.

**Approved:**  
Approved pursuant to B.C. Regulation 171/2002 and the Land Title Act, s.16.  
Date: \_\_\_\_\_

I, K.C. van Gorp, a British Columbia land surveyor, of the City of Kelowna, in British Columbia, certify that I was present at and personally supervised the survey represented by this plan, and that the survey and plan are correct. The field survey was completed on the 15th day of June, 2006. The plan was completed and signed and the Registrar filed under #C01-30903, on the 25th day of July, 2006.

K.C. van Gorp, B.C.L.S., B.L.S.

**VAN GORP & COMPANY**  
Land Surveyors  
201-1870 St. Paul Street,  
Kelowna, B.C. (250) 863-5711  
F.R. 012(40) File: 1361440