



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

June 6, 2012

Reply to the attention of Ron Wallace
ALC File: 52587

Bryce Tupper
NORR Architects Planners
710 – 1201 West Pender St.
Vancouver, B.C.
V6E 2V2

Dear Sir:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #208/2012 and a sketch plan outlining the Commission's decision as it relates to the above noted application. As agent it is your responsibility to notify the landowner(s) of the decision.

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.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact the City of Kelowna.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Brian Underhill', written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes/Sketch Plan

cc: City of Kelowna File: A11-0012



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 17, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Sylvia Pranger	Commissioner
Jim Johnson	Commissioner
Bert Miles	Commissioner
Jennifer Dyson	Commissioner

COMMISSION STAFF PRESENT:

Ron Wallace	Land Use Planner
Martin Collins	Regional Planner
Colin Fry	Executive Director

APPLICATION: #52587

PROPOSAL: To subdivide the 27.6 ha property into two lots: 2.3 ha and 25.3 ha as divided by Mill Creek. The non ALR portion of the westerly 25.3 ha lot would be partially developed for housing, the remaining ALR portion (13 ha) of the westerly lot will be retained in its natural state for biodiversity/conservation by the City of Kelowna. The proposed 2.3 ha lot located east of Mill Creek will be retained by the applicant.

(Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

COMMISSION CONSIDERATION:

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission are (1) to preserve agricultural land; (2) to encourage farming on agricultural land in collaboration with other communities of interest; and (3) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

After review of all file information presented the Commission has concluded as follows:

1. The agricultural capability of the ~13 ha ALR portion of the property lying west of Mill Creek is limited due to steep topography and poor soils (as per the Agricultural Capability and Feasibility Assessment submitted with the application). The 2.3 ha area lying east of Mill Creek, by contrast, has very good capability for agriculture.
2. The current narrow narrow configuration of the property and its division by Mill Creek make the property unsuitable for agricultural development.
3. Conservation and biodiversity uses are permitted outright by ALC Regulation #171/2002.

4. Mill Creek constitutes a significant impediment to utilizing the property as a single agricultural unit. In addition the Mill Creek riparian setback limits the land available for farm uses adjacent to the creek.
5. The Agricultural Advisory Committee of the City of Kelowna, and City of Kelowna Council supported the application.

IT WAS

MOVED BY: Commissioner Bert Miles

SECONDED BY: Commissioner Sylvia Pranger

THAT the application to subdivide the 27.6 ha parcel into a 2.3 ha lot and a 25.3 ha lot be approved.

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 # 208/2012

