



Regional District of Okanagan-Similkameen

101 Martin Street, Penticton, B.C. V2A 5J9

Telephone: (250) 492-0237 Fax: (250) 492-0063

February 3, 1998

D95-06641.000/005

Peter and Phyllis Jmaeff
Box 113
Kaleden, B.C.
V0H 1K0

FAXED
Feb. 3 '98

**Re: Development of lodge and cabins on Lot A, PLAN 16556DL 2531
SDYD and part of DL 2531.**

Further to our meeting held on Monday, February 2, 1998. This letter is to confirm that the designation of your above noted property is presently "AG", Agriculture. The AG designation specifically permits "j) other uses as permitted by the Agricultural Land Commission for lands within the ALR". We have received correspondence from the Agricultural Land Commission that specifically permits :

- A lodge facility being a single storey structure with a footprint not exceeding 6,000 square feet;
- The lodge facility having not more than 10 bed and breakfast style rooms;
- The lodge facility being located on a rock knoll behind the approved cabins;
- The cabins being 8 cabins as approved by the ALC by resolution #566/95;
- A meeting building.

As in other instances, we accept the Agricultural Land Commission's approval as being in conformity with the permitted uses of the "AG" designation, of Electoral Area 'D' Southwest Sector Rural Land Use Bylaw No. 1034, 1988.

We trust this letter will allow you to proceed with your development as outlined in the approvals issued by the Agricultural Land Commission.

Sincerely,

Andrew Swetlishoff, MCIP
Director of Planning & building Services

CC. E. Sims, Area 'D' Director
J. Bryant, MOTH Sr. District Development Tech.

July 19, 1995

Reply to the attention of Martin Collins

Peter and Phyllis Jmaeff
Box 113
Kaleden, B.C. VOH IKO

Dear Mr. and Mrs. Jmaeff:

Re: Application #V-29881

The Agricultural Land Commission has considered your application regarding land described as **DL 2531, SDYD, Except Plan 16556, H15201, 36797; Lot: A District Lot: 2531 SDYD (Similkameen Div of Yale) Plan: 16556.**

The Commission, acting under Section 44(l) of B.C. Regulation 313/78 by Resolution #566/95, has allowed your application in principle to construct up to 8 cabins and a meeting building and operate a natural resort on the above noted properties. This approval is conditional upon receipt of a detailed site plan showing the location and size of the cabins and meeting building as well as any related structures associated with the resort.

This approval is granted provided that your resort is confined to the area noted on the plan attached hereto.

The land referred to in the application continues to be subject to the provisions of the Act and regulations except as provided by this approval.

This approval in no way relieves the owner or occupier of the responsibility of adhering to all other legislation which may apply to the land. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities which have jurisdiction.

Before your development can proceed, other approvals may be necessary and we urge you to check with the Regional District of Okanagan Similkameen.

Please obtain the confirmation of the Commission, if any substantial changes are required to the proposal as approved by this office.

Please quote Application #V-29881 in any future correspondence.

Yours truly,

AGRICULTURAL LAND COMMISSION

Per: 

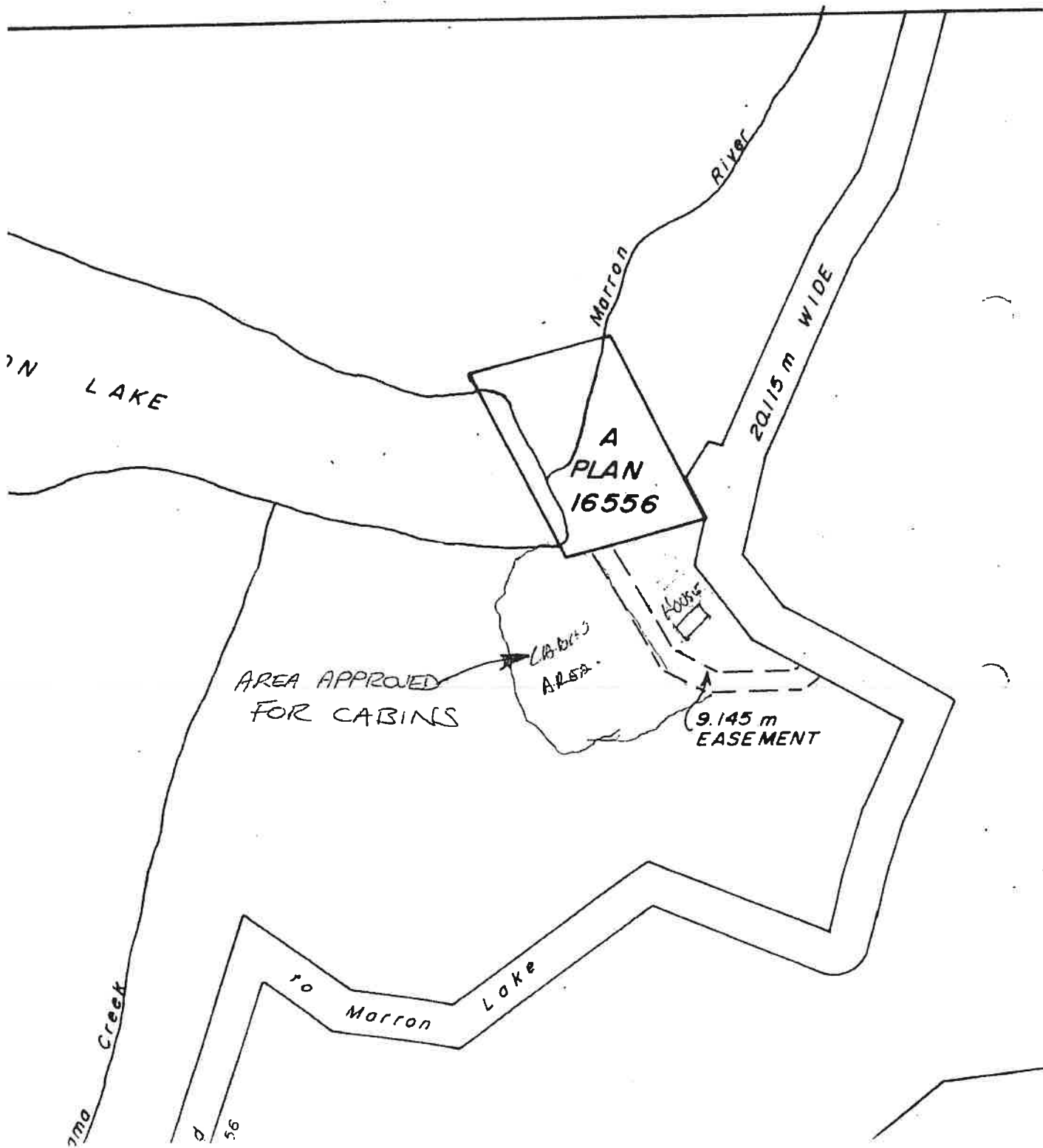
K. B. Miller, General Manager

JMC/lv/Encl.

cc: Regional District of Okanagan Similkameen
B.C. Assessment Authority, Penticton

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Meeting held at the Provincial Agricultural Land Commission Office, 4940 Canada Way, Burnaby, B.C. on the 12th day of July 1995.

PRESENT:	K. Miller	Chair
	J. Glover	Vice Chair
	A. Hadland	Commissioner
	G. Horn	Commissioner
	C. Huscroft	Commissioner

An application under Section 44(l) of B.C. Regulation 313/78 was considered concerning land described as DL 2531, SDYD, Except Plan 16556, H15201, 36797; Lot: A District Lot: 2531 SDYD (Similkameen Div of Yale) Plan: 16556.

APPLICATION #: 25-V-95-29881-0

APPLICANT: Phyllis & Peter Jmaeff

PROPERTY LOCATION: The head of Marron Lake lying north of Highway 3A between Okanagan Falls and Keremeos

LOCAL GOVERNMENT: Regional District of Okanagan Similkameen

SUBJECT PROPERTY SIZE (Ha): 75 ha

AREA WITHIN ALR (Ha): 75

NUMBER OF PARCELS: 2

PROPOSAL: To erect 6-8 small cabins, a meeting building and low impact trails through the property for the purpose of operating a natural resort.

TYPE OF APPLICATION: REGS Section 44 (l)

DATE APPLICATION RECEIVED: 5/12/95

PRESENT USE: Rural residence

AGRICULTURAL CAPABILITY:

<u>Unimproved Ratings</u>	<u>Improved Ratings</u>	<u>% of Unit</u>
6TM		40
4M	(7:3M 3:2M)	10
5NM	(7:5N 3:4NM)	10
5TM	(4TM)	40

SURROUNDING LAND USES:

NORTH: Open range Indian Reserve

SOUTH: Mountainous non ALR lands

EAST: Partly open Indian Range and partly used for agricultural purposes in the ALR

WEST: Open Range Indian Reserve

COMMUNITY PLAN DESIGNATION: Rural Land Use bylaw #1034 which would permit this type of use if the ALC permitted it.

ZONING: Agriculture

LOCAL GOVERNMENT RECOMMENDATION: To forward the proposal to the ALC with support and with the comment that the Ministry of Environment be consulted with respect to this being a habitat sensitive area.

BACKGROUND INFORMATION: One previous application has been considered on the property (17248). In 1983 the Commission allowed the subdivision of the original 120 ha property into two lots as divided by Highway 3A. The plan has been registered.

STAFF COMMENT/RECOMMENDATION: To allow as requested on the grounds that the land has limited potential for agricultural development and the proposal would have little impact on the land base.

DISCUSSION: The Commission concurred with the staff recommendation but requested a more detailed site plan.

IT WAS

MOVED BY: Commissioner J. Glover

SECONDED BY: Commissioner A. Hadland

That the application to construct up to 8 cabins and a meeting building and operate a small resort be allowed in principle subject to the submission of a detailed site plan showing the size and location of the cabins and all other structures associated with the resort.

This decision is subject to compliance with all other legislation.

Carried.

July 29, 1997

Reply to the attention of Ross Blackwell

Peter and Phyllis Jmaeff
Box 113
Kaleden, B.C. V0H 1K0



Dear Sir/Madam:

Re: Application #V-29881

Further to your letter of 12 May 1997, this is to advise that the Provincial Agricultural Land Commission, acting under Section 20.4 of the Agricultural Land Commission Act, has reconsidered its decision as per Resolution #566/95 pursuant to the above noted application submitted under Section 44 (1) of *B.C. Regulation 313/78* regarding land legally described as DL 2531, SDYD, Except Plan 16556, H15201, 36797; Lot: A District Lot: 2531 SDYD (Similkameen Div. of Yale) Plan: 16556.

The Commission, under Section 44 (1) of *B.C. Regulation 313/78*, by Resolution #391/97, has allowed your request in view of the content of your development and site plans for the proposed "natural resort" and the proposed agricultural development of the property subject to:

1. the "lodge facility" being a single storey structure with a footprint not exceeding 6,000^m2;
2. the "lodge facility" being located on a rock knoll behind the approved cabins (as approved by Commission Resolution #566/95) as shown on the sketch plan submitted with your request;
3. the "lodge facility" having not more than 10 bed & breakfast style rooms.

This approval is in addition to the Commission's previous approval to construct up to 8 cabins and a meeting building and operate a natural resort on the above noted properties as defined by Resolution #566/95.

The land referred to in the application continues to be subject to the provisions of the Act and regulations except as provided by this approval.

This approval in no way relieves the owner or occupier of the responsibility of adhering to all other legislation which may apply to the land. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities which have jurisdiction.

Before your development can proceed, other approvals may be necessary and we urge you to check with the Regional District of Okanagan Similkameen.

Please obtain the confirmation of the Commission if any substantial changes are required to the proposal as approved by this office.

July 29, 1997

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Please quote Application #V-29881 in any future correspondence.

Yours truly,

AGRICULTURAL LAND COMMISSION

Per: 

K. B. Miller, General Manager

cc: Regional District of Okanagan Similkameen
B.C. Assessment Authority, Penticton

RB/lv

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Meeting held at the B.C. Agricultural Land Commission Office, 4940 Canada Way, Burnaby, B.C. on the 21st day of July 1997.

PRESENT:	D. Taylor	Acting Chair
	J. Bakker	Commissioner
	G. Horn	Commissioner
	C. Huscroft	Commissioner
	M. Thompson	Commissioner

Acting under Section 20.4 of the *Agricultural Land Commission Act*, the Commission reviewed correspondence dated 12 May 1997 from Peter & Phyllis Jmaeff requesting reconsideration of a decision made by the Commission by Resolution #566/95 pursuant to an application submitted under Section 44 (1) of *B.C. Regulation 313/78* for property legally described as **DL 2531, SDYD, Except Plan 16556, H15201, 36797; Lot: A District Lot: 2531 SDYD (Similkameen Div. of Yale) Plan: 16556.**

APPLICATION: #25-V-95-29881-0

APPLICANT: Phyllis & Peter Jmaeff

PROPERTY LOCATION: The head of Marron Lake lying north of Highway 3A between Okanagan Falls and Keremeos

LOCAL GOVERNMENT: Regional District of Okanagan Similkameen

SUBJECT PROPERTY SIZE (Ha): 75 ha

AREA WITHIN ALR (Ha): 75

NUMBER OF PARCELS: 2

ORIGINAL PROPOSAL: The original application requested permission to erect 6-8 small cabins, a meeting building and low impact trails through the property for the purpose of operating a natural resort.

ORIGINAL DECISION: "That the application to construct up to 8 cabins and a meeting building and operate a small resort be allowed in principle subject to the submission of a detailed site plan showing the size and location of the cabins and all other structures associated with the resort."

CURRENT PROPOSAL: After more detailed research and calculations, the applicant is of the opinion that the approved eight cabins would be an insufficient number to generate sufficient operating capital. Consequently, he is requesting to utilize a portion of the approved "lodge facility" for the provision of 10 bed & breakfast style rooms. The intent is to locate the structure on a rock knoll behind the approved cabins. The structure will be modified from the original plan which the applicant states (although not specified in the Commission deliberations or decision) was a 5,000 square foot lodge on two floors. The modified footprint is proposed to be 6,000 square feet on one level due to the topography of the knoll coupled with associated visual impact. This request was brought before the Commission on 26 March 1997 for reconsideration, however, it was tabled pending receipt of additional information regarding the extent of present and future agriculture on the property, comments from the Regional District, and a detailed site plan. This information has now been received.

TYPE OF APPLICATION: REGS Section 44 (1)

DATE APPLICATION RECEIVED: 5/12/95

PRESENT USE: Rural residential with some agricultural activity.

AGRICULTURAL CAPABILITY:

Unimproved Ratings	Improved Ratings	% of Unit
6TM		40
4M	(7:3M 3:2M)	10
5NM	(7:5N 3:4NM)	10
5TM	(4TM)	40

SURROUNDING LAND USES:

NORTH: Open range Indian Reserve

SOUTH: Mountainous non ALR lands

EAST: Partly open Indian Range and partly used for agricultural purposes in the ALR

WEST: Open Range Indian Reserve

COMMUNITY PLAN DESIGNATION: Rural Land Use bylaw #1034 which would permit this type of use if the ALC permitted it.

ZONING: Agriculture

LOCAL GOVERNMENT RECOMMENDATION: The original response to the application was to forward the proposal to the ALC with support and with the comment that the Ministry of Environment be consulted with respect to this being a habitat sensitive area. In response to the reconsideration referral, the Regional District noted that it was in support of the proposal.

BACKGROUND INFORMATION:

- One previous application has been considered on the property (17248). In 1983 the Commission allowed the subdivision of the original 120 ha property into two lots as divided by Highway 3A. The plan has been registered.
- In response to the Commission's request for additional information pursuant to the reconsideration request as noted above, the applicant advises as to the following:
 - current agricultural activity includes a one acre organic commercial vegetable garden where the produce is sold to a market every Saturday (members of South Okanagan Organic Producers Organization), pasturing of 30 head of cattle and 40 head of horses;
 - future agricultural development (planned for this year) includes fencing of various areas for hay production, the total of which will be 8 hectares in addition to existing activity. The applicant notes that the property has a significant degree of ecological sensitivity value and will be working with the Nature's Trust in developing the most prudent strategies for agricultural practice and the "tourist accommodation" component.

STAFF COMMENT/RECOMMENDATION: It was noted that the Regional District of Okanagan Similkameen was in support of the reconsideration request. It is suggested that the proposal be allowed as requested on the grounds that the subject area has limited potential for agricultural development (agricultural capability rating of 6TM) and the proposal would have little impact on the land base.

IT WAS

MOVED BY: Commissioner J. Bakker

SECONDED BY: Commissioner C. Huscroft

THAT no persons are affected by the reconsideration, and

THAT the request to utilize a portion of the approved "lodge facility" for the provision of 10 bed & breakfast style rooms, contract the facility with a footprint not exceeding 6,000 ft², locate the facility on a rock knoll behind the approved cabins.

This decision is subject to compliance with all other legislation.

Carried.

