



**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

September 28, 2005

Reply to the attention of BRANDY RIDOUT

Lloyd and Joanna Burgart  
8400 Happy Valley Road  
Summerland, BC - V0H 1Z0

Dear Mr. and Mrs. Burgart:

**RE: Application #V-36248**

**1. PID: 017-530-318**

**Lot 2, District Lot 508, Osoyoos Division of Yale District, Plan KAP46064**

**2. PID: 017-530-296**

**Lot 1, District Lot 508, Osoyoos Division of Yale District, Plan KAP46064**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide the 0.34 ha subject property into two parcels of approximately equal size. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*.

The Commission wishes to thank you for taking the time to meet with its representatives on September 23, 2005.

The Commission writes to advise that it approved your application subject to:

- the subdivision being in substantial compliance with the attached plan.
- compliance 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. The Commission suggests you contact the District of Summerland at your earliest convenience.

The decision noted above is recorded as Resolution **#505/2005**.

Please send two (2) paper prints of the final survey plans to this office well in advance of commencing registration at the Land Titles Office. When the Commission confirms that the subdivision plan is acceptable it will authorize the Registrar of Land Titles to accept the application for deposit of the plan. Please quote your application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: District of Summerland

BR/lv/Encl./36248d1







**Staff Report**  
**Application # V – 36248**  
**Applicant: Lloyd and Joanna Burgart**  
**Location: Summerland**

**DATE RECEIVED:** September 6, 2005

**DATE PREPARED:** September 8, 2005

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

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

**PROPOSAL:** To subdivide the 0.34 ha subject property into two parcels of approximately equal size.

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

**BACKGROUND INFORMATION:**

Two previous applications have been approved for subdivision of the property. In 1979, a 0.4 ha piece was taken from the western portion of the 1.07 ha property and added to an adjoining property to the north. In 1990, the remaining 0.67 ha property was divided into two parcels of approximately equal size. The current application is on the eastern 0.34 ha parcel.

**Local Government:**

The Corporation of the District of Summerland

**Legal Description of Property:**

Lot 2, District Lot 508, Osoyoos Division of Yale District, Plan KAP46064 (PID: 017-530-318)

**Purchase Date:**

March 31, 1999

**Location of Property:**

8400 Happy Valley Road, Summerland

**Size of Property:**

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

**Present use of the Property:**

Residential

**BACKGROUND INFORMATION (continued):**

**Surrounding Land Uses:**

**WEST:** Orchard  
**SOUTH:** Steep ravine  
**EAST:** Residential lot  
**NORTH:** Orchard and dwelling

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82E.052  
The majority of the property is identified as having Secondary ratings.

**Official Community Plan and Designation:**

District of Summerland Official Community Plan  
Designation: Rural Residential (RR)

**Zoning Bylaw and Designation:**

District of Summerland Zoning Bylaw  
Designation: Country Residential Zone (CR1)  
Minimum Parcel Size: 1400 m<sup>2</sup>

**PREVIOUS APPLICATIONS:**

**Application #09701-0**

**Applicant:** Albert Livingstone Mills  
**Decision Date:** 1979  
**Proposal:** To subdivide an approximately 0.4 ha section off the 1.07 ha subject property and consolidate it with an adjoining property to the north.  
**Decision:** Allowed

**Application #24948-0**

**Applicant:** J.N. Davies  
**Decision Date:** April 18, 1991  
**Proposal:** To subdivide the 0.678 ha subject property into two parcels of equal size.  
**Decision:** Allowed

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

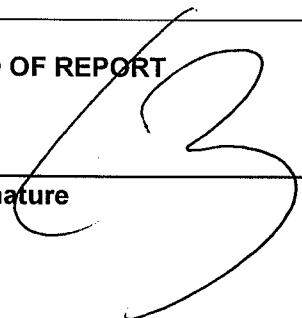
**District of Summerland Council** – Forwarded with support.

**Agricultural Advisory Committee** – Recommended Council to support.

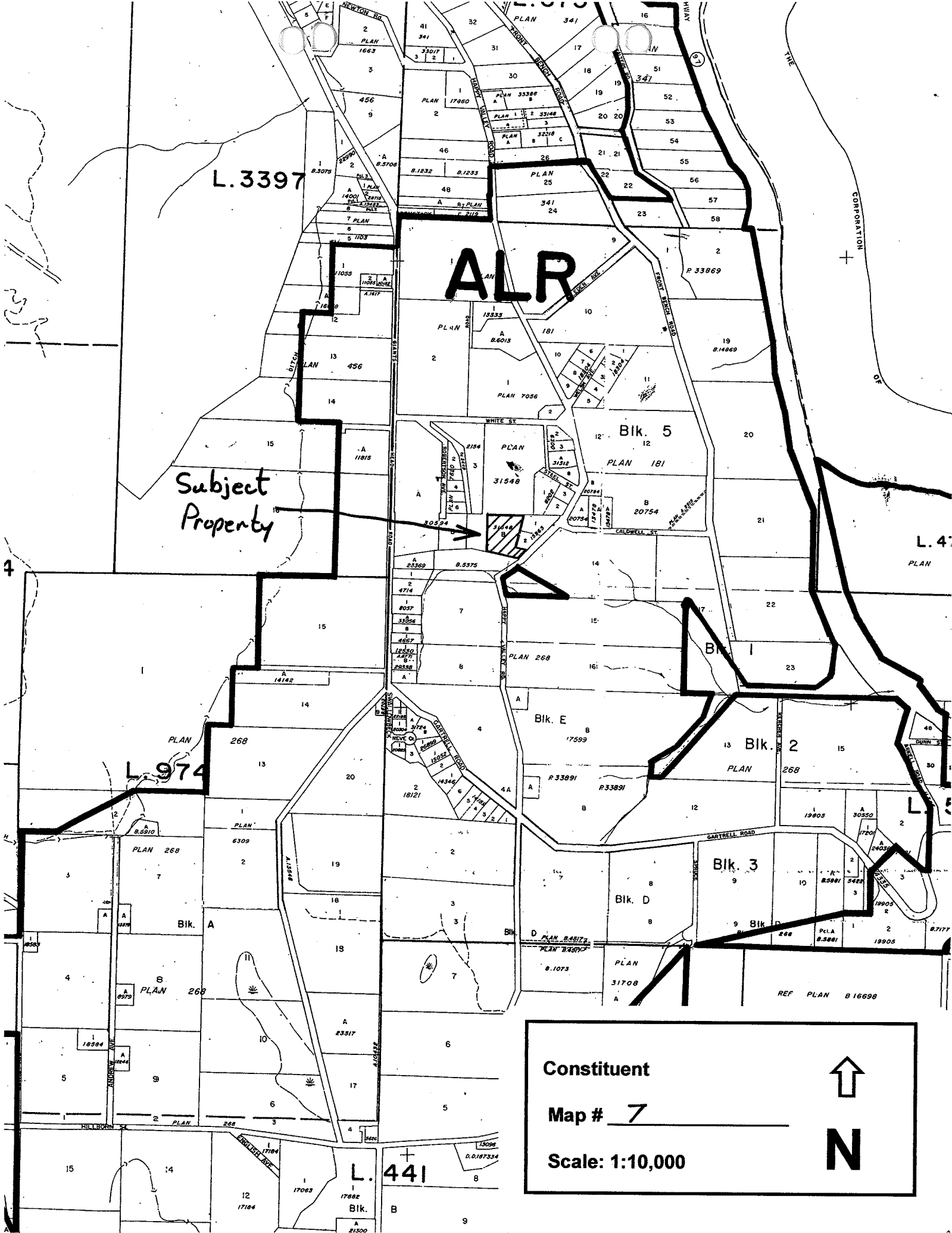
END OF REPORT

Signature

Date



Sept 9/05



L. 3397

ALR

Subject Property

L. 974

L. 441

Constituent

Map # 7

Scale: 1:10,000

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