



Agricultural Land Commission
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July 5, 2006

Reply to the attention of Brandy Ridout
ALC File #G-36568

Siegfried Acherman
1959 Walburn Road
Kelowna, BC V1P 1C9

Dear Mr. Acherman:

Re: Application to subdivide in the Agriculture Land Reserve

Please find attached the Minutes of Resolution #258/2006 outlining the Commission's decision as it relates to the above noted application.

If you wish to pursue the Commission's alternate 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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

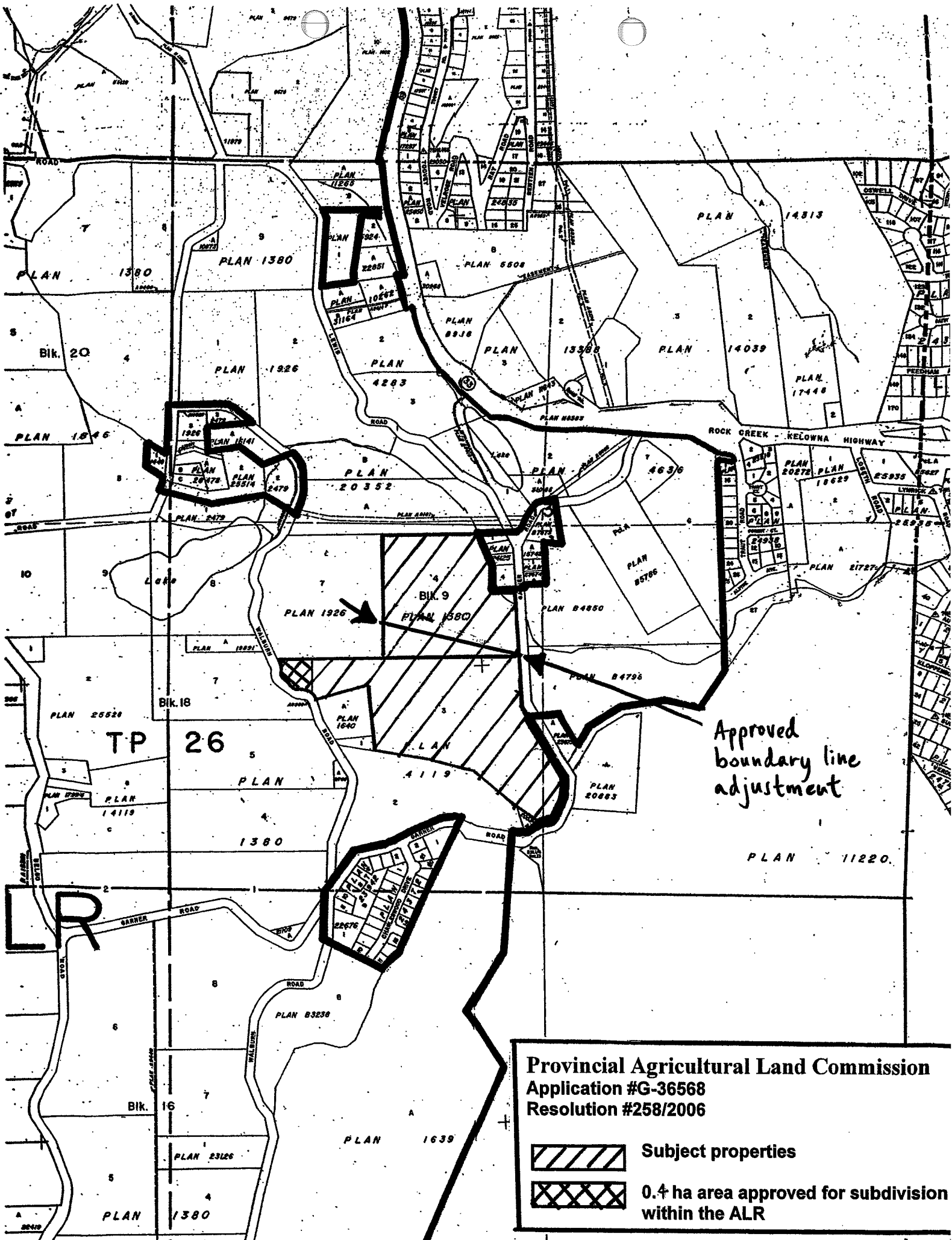
A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a white background.

Erik Karlsen, Chair

cc: City of Kelowna -Your File#A05-0010

BR/lv/Encl.: Minutes
Sketch Plan

36568d1.



Approved boundary line adjustment

Provincial Agricultural Land Commission
Application #G-36568
Resolution #258/2006



Subject properties



0.4 ha area approved for subdivision within the ALR

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 23, 2006 in Kelowna, BC.

PRESENT:	Sue Irvine	Chair, Okanagan Panel
	Sharon McCoubrey	Commissioner
	Sid Sidhu	Commissioner
	Brandy Ridout	Staff

For Consideration

Application # G – 36568
Applicant(s) Siegfried Acherman
Proposal To do a boundary line adjustment between the two subject properties (Lot 3 and Lot 4) and subdivide a 1.2 ha lot from Lot 3.
Legal 1. PID: 010-603-549
Lot 3, Section 13, Township 26, Osoyoos Division Yale District, Plan 4119
2. PID: 011-610-794
Lot 4, Block 9, Section 13, Township 26, Osoyoos Division Yale District, Plan 1380, Except Plan 24125
Location 1810 Garner Road and 1959 Walburn Road

Site Inspection

A site inspection was conducted on May 23, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey and Sid Sidhu
- Staff: Brandy Ridout
- Applicant: Siegfried Acherman

Mr. Acherman confirmed that he had received the staff report dated May 15, 2006 and did not identify any errors.

Discussion

As requested, the applicant provided documentation proving ownership before December 21, 1972.

The Commission noted that as the new boundary proposed in the boundary line adjustment would follow the topography of the property, it could lead to a more effective use of the two parcels.

The size of the requested homesite lot (1.2 ha) was the only cause of concern for the Commission. When considering the agricultural future of the remainder, the Commission believed it important to keep as much land as possible with the remaining agricultural parcel. Although the Commission would prefer a 0.2 ha homesite lot, in this instance, the topography of the site and access were both limiting factors to restricting the size of the lot. As such the Commission would allow the subdivision of a 0.4 ha lot.

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IT WAS

MOVED BY: Commissioner Sidhu

SECONDED BY: Commissioner McCoubrey

THAT the application be refused as proposed

AND THAT the Commission would approve the subdivision of a 0.4 ha lot and the proposed boundary line adjustment subject to the following conditions:

- the subdivision and boundary line adjustment be in substantial compliance with the attached sketch, and
- the construction of a fence and installation of buffering along the north and east boundaries of the new 0.4 ha lot for the purpose of limiting its impact on the remaining farm unit. Fencing and buffering plans should be submitted to the Commission for approval.

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 #258/2006



Staff Report
Application # G – 36568
Applicant: Siegfried Acherman
Location: Kelowna

DATE RECEIVED: March 23, 2006

DATE PREPARED: May 15, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To do a boundary line adjustment between the two subject properties (Lot 3 and Lot 4) and subdivide a 1.2 ha lot from Lot 3.

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

BACKGROUND INFORMATION:

The applicant is requesting the subdivision of a homesite lot in an alternate location than the current homesite. The applicant noted that the proposed 1.2 ha lot is geographically separate from the rest of the farm, has access to a public road, and contains land of poorer agricultural capability than the remainder of the farm. The boundary line adjustment is being requested to follow the topography of the properties.

Local Government:

City of Kelowna

Legal Description of Properties:

1. PID: 010-603-549
Lot 3, Section 13, Township 26, Osoyoos Division Yale District, Plan 4119
2. PID: 011-610-794
Lot 4, Block 9, Section 13, Township 26, Osoyoos Division Yale District, Plan 1380, Except Plan 24125

Purchase Date:

September 1964 (titles submitted with application were registered April 1974)

Location of Properties:

1810 Garner Road and 1959 Walburn Road

Size of Property:

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

BACKGROUND INFORMATION (continued):

Present use of the Property:

Lot 3 - mainly forested, house, barn and 2 cabins
Lot 4 - mainly forested, 1.6 ha in orchard

Surrounding Land Uses:

WEST: ALR
SOUTH: ALR, orchard
EAST: ALR, orchard, some woodland
NORTH: ALR, vineyard and woodland

Agricultural Capability:

Data Source: The 1:20,000 Agricultural Capability Map indicates that the majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

Kelowna 2020 - Official Community Plan
Future Land Use Designation: "Rural/Agricultural"

Zoning Bylaw and Designation:

Zoning Bylaw No. 8000
Designation: Agriculture 1 (A1)
Minimum lot size: 2 ha

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

City of Kelowna Council: Supported.

Agricultural Advisory Committee: Supported provided that the applicant can prove that he owned the land prior to December 21, 1972. The Committee had no concern with the lot line adjustment as it appears to be sensible.

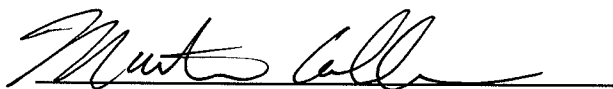
Planning Staff: Would support the application if the applicant can satisfactorily demonstrate that he has continuously owned and occupied the property since December 21, 1972. Staff has no concerns with the lot line adjustment, provided it allows for a more sensible boundary as determined by the existing topography.

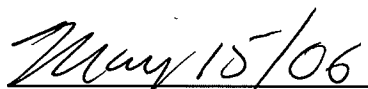
STAFF COMMENTS:

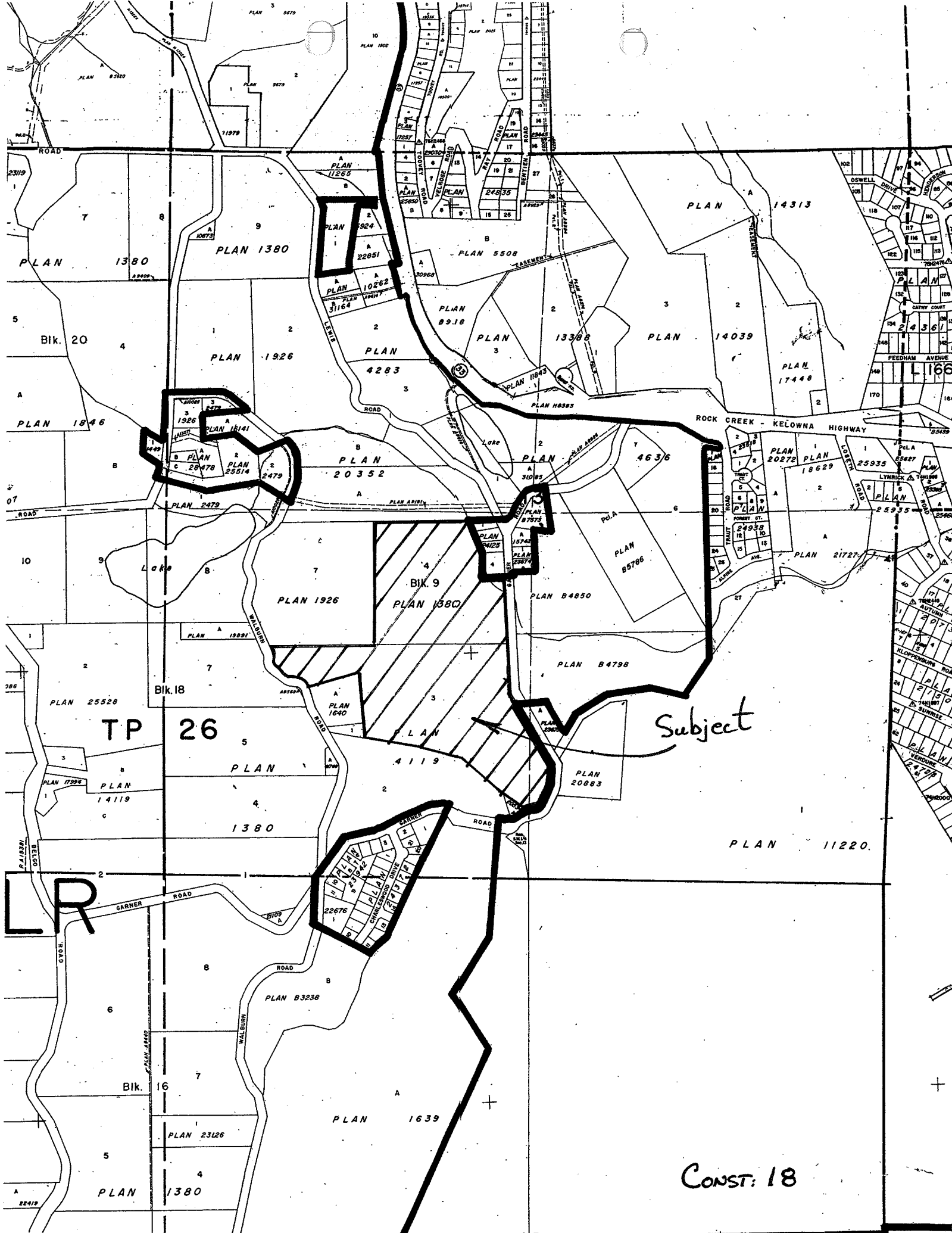
The applicant has been contacted by telephone and asked to provide documentation showing that he owned the properties prior to December 21, 1972.

A site visit will assist in determining whether the proposed boundary line adjustment is in the best interest of agriculture.

END OF REPORT


Signature


Date



Subject

LR

CONST: 18

TP 26

PLAN 1380

PLAN 1639

PLAN 11220

1380

4119

PLAN B4798

PLAN B5786

PLAN B4850

PLAN 1380

PLAN 1926

PLAN 20352

4636

PLAN 31095

PLAN 11845

PLAN 4283

PLAN 89.18

PLAN 5508

PLAN 1924

PLAN 10262

PLAN 31164

PLAN 1380

PLAN 1380

PLAN 1926

PLAN 1380

Bik. 20

PLAN 1846

PLAN 16141

PLAN 20478

PLAN 35514

PLAN 2479

LOGS

Bik. 18

PLAN 25520

TP 26

PLAN 14119

PLAN 1380

Bik. 16

PLAN 23126

PLAN 1380

PLAN 20883

PLAN B3238

PLAN 14313

PLAN 14039

PLAN 17448

ROCK CREEK - KELOWNA HIGHWAY

PLAN 18629

PLAN 20272

PLAN 24939

PLAN 21727

PLAN 25935

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