



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

April 25, 2007

Reply to the attention of Brandy Ridout
ALC File: #T - 36453

William E. Maddox
#5 - 3500 - 30th Street
Vernon, BC V1T 5E8

Dear Mr. Maddox:

Re: Reconsideration request for subdivision in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 133/2007 outlining the Commission's decision as it relates to the above noted application. As agent it is your responsibility to notify your clients accordingly.

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:

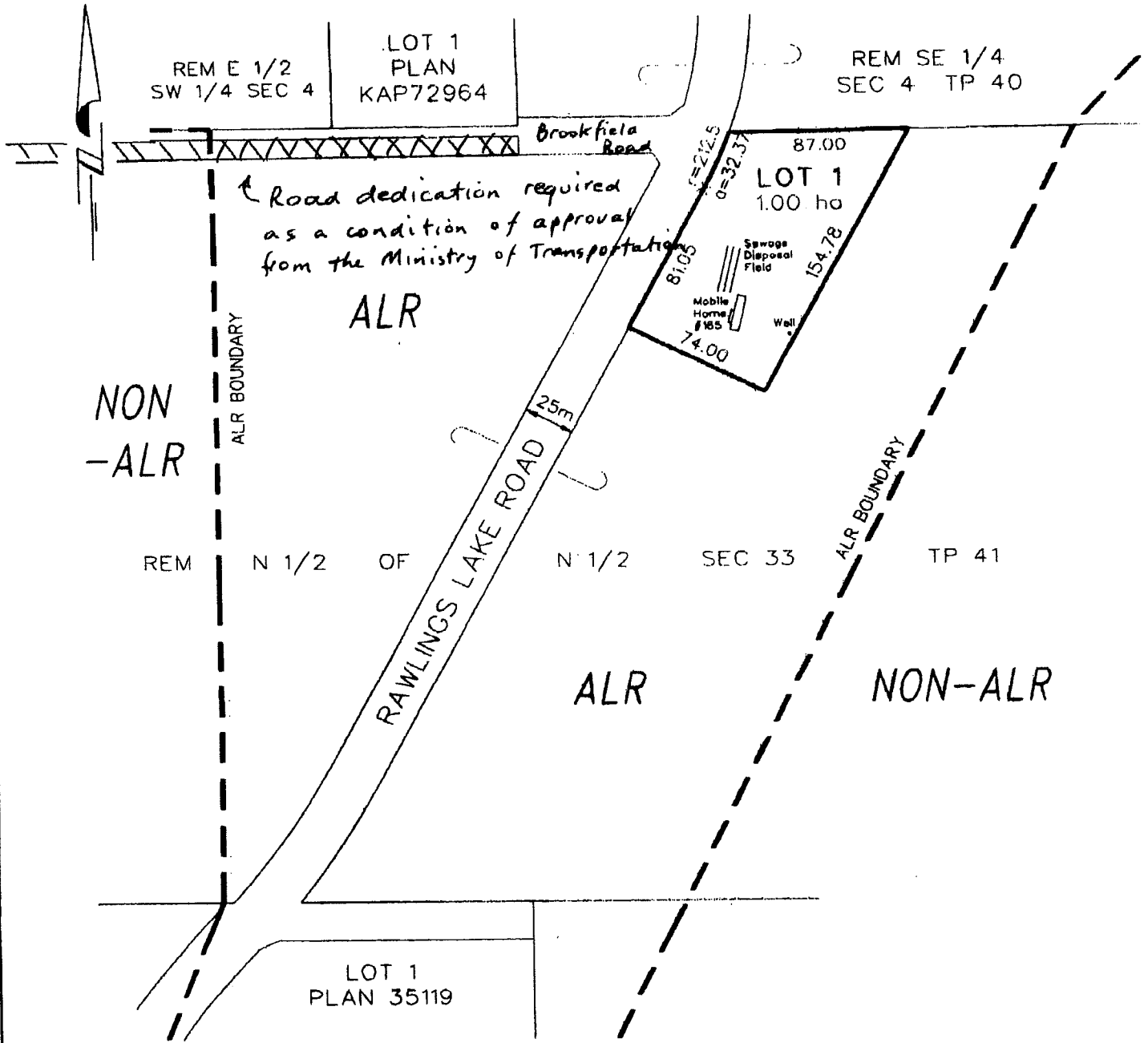
Erik Karlsen, Chair

cc: Regional District of North Okanagan (#05-0815-D-ALR)

Enclosure: Minutes/Sketch Plan

BR/lv
36453d2

ALL DISTANCES ARE IN METRES.



AMENDED 31 MARCH 2006

79430A02

PLAN OF PROPOSED SUBDIVISION OF PART OF THE N 1/2 OF THE N 1/2 OF SEC. 33, TP. 41, O.D.Y.D. EXCEPT PLANS 28831 AND 37984

SCALE: 1 : 3000

OUR FILE: R7943

DATE: 1 Mar. 06

DRAWN: RB

Richardson

WILLIAM E. MADDOX
B.C. LAND SURVEYOR
3500 - 30th STREET
VERNON, B.C. V1T 5E8
TELEPHONE (250)542-4343



A meeting was held by the Provincial Agricultural Land Commission on March 29, 2007 in Vernon, B.C.

PRESENT:	Sue Irvine	Chair, Okanagan Panel
	Sid Sidhu	Commissioner
	Monika Marshall	Commissioner
	Brandy Ridout	Staff
	Martin Collins	Staff

For Consideration

A letter from William Maddox was received February 28, 2007 requesting that the Commission reconsider its decision recorded as Resolution #69/2006.

Application: # T – 36453
Applicant: Dennis & Lynn Richardson
Original: To subdivide a 1 ha lot from the 55 ha subject property for the applicants' daughter. Approximately 15 ha of the subject property are in the ALR.
Proposal: To subdivide a 1 ha lot from the 55 ha subject property for the applicants' daughter. Approximately 15 ha of the subject property are in the ALR.
Decision: Allowed, subject to:

- the subdivision be in substantial compliance with the plan submitted after the site visit,
- the inclusion of approximately 2.5 ha into the ALR, and
- the construction of a fence around the new 1 ha lot for the purpose of limiting its impact on the remaining farm unit. Fencing plans should be submitted to the Commission for approval.

Current Proposal: To allow the subdivision of a 1.04 ha lot instead of a 1.0 ha lot to include the shed and driveway in the new lot and to remove the condition of fencing the east boundary of the new lot.
Legal: PID: 013-585-479
The North ½ of the North ½, Section 33, Township 41, Osoyoos Division Yale District, Except Plan 28831 and 37984
Location: 146 Rawlings Lake Road, northeast of Lumby

Discussion

The Commission's main concern was limiting the new lot's impact on the remaining farm unit. As such, it believed that fencing was necessary. However, it would accept that the homesite be fenced instead of the boundary of the new lot.

The Commission did not object to the increase in lot size from 1.0 ha to 1.04 ha to include the shed and driveway in the new lot.

IT WAS

MOVED BY: Commissioner Irvine
SECONDED BY: Commissioner Sidhu

THAT the information presented constitutes evidence that was not available at the time of the original decision and therefore a reconsideration is warranted;

AND THAT for the purposes of Section 33(2) of the *Agricultural Land Commission Act*, there are no persons it considers affected by the reconsideration.

AND THAT the request to subdivide an approximately 1.04 ha lot instead of the approved 1.0 ha lot be allowed.

AND THAT the request to waive the fencing requirement of Resolution #69/2006 be refused. The Commission would allow the homesite to be fenced instead of the perimeter of the new 1.04 ha lot.

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the reconsideration request
- the construction of a fence around the homesite area of the new 1.04 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.
- the inclusion of approximately 2.5 ha into the ALR, and
- 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 # 133/2007