



Agricultural Land Commission
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April 18, 2007

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

Siegfried Acherman
1959 Walburn Road
Kelowna, BC V1P 1C9

Dear Mr. Acherman:

Re: **Reconsideration request for subdivision in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 117/2007 outlining the Commission's decision as it relates to the above noted application.

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

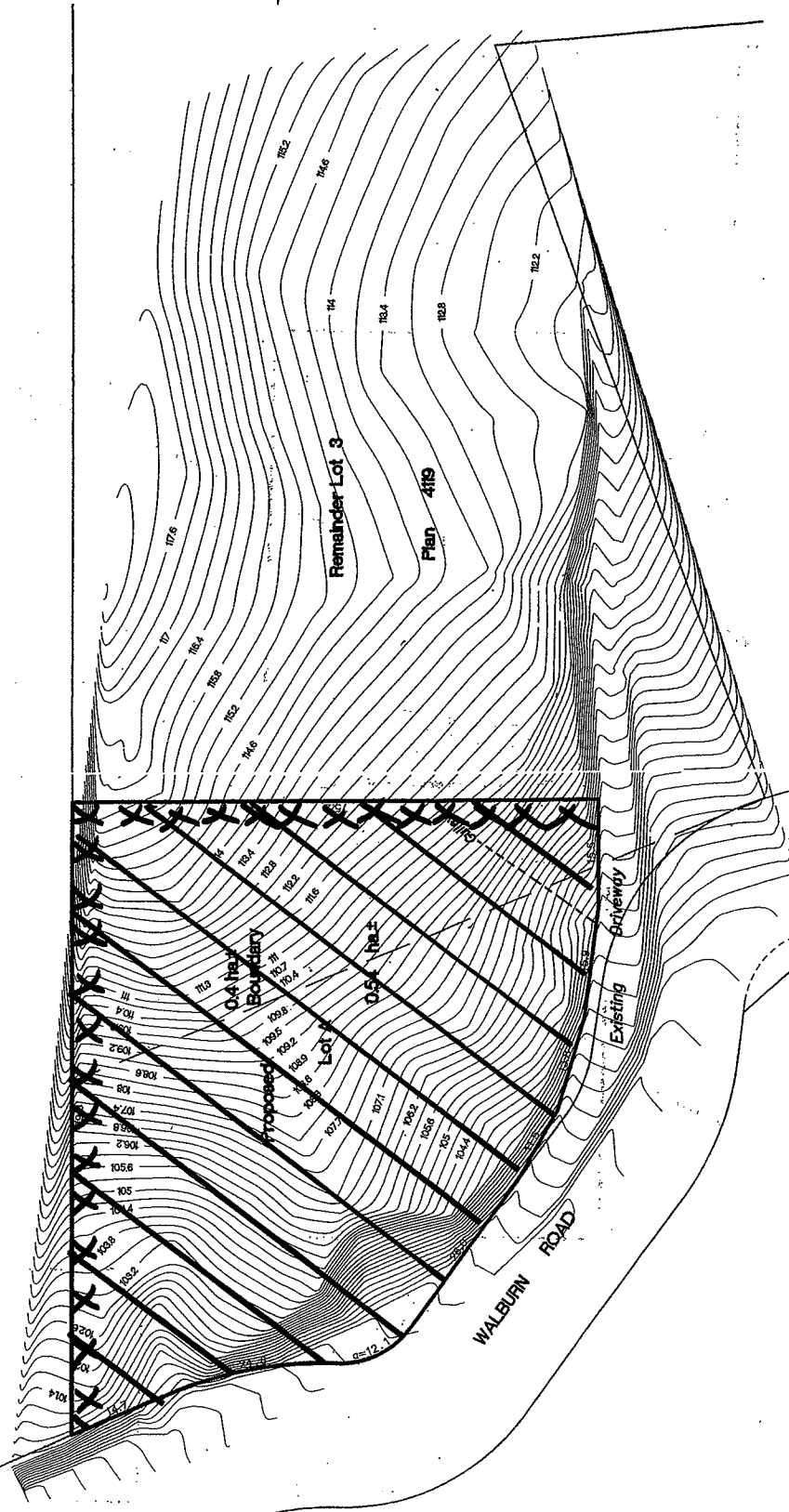
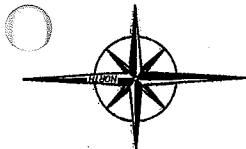
cc: City of Kelowna (#A05-0010)
Henk van Gorp, #201-1470 St. Paul St., Kelowna, BC, V1Y 2E6

Enclosure: Minutes/Sketch Plan

BR/lv
36568d2

**PLAN OF PROPOSED SUBDIVISION OF PART OF LOT 3,
PLAN 4119, SEC. 13, TP. 26, O.D.Y.D.**

Lot 3 Block 9
Plan 1380



Notes:
 - Elevations are based on an assumed datum.
 - Contour interval - 0.3 metres.
 - All distances are in metres and decimals thereof.

**Provincial Agricultural Land Commission
 Application #G-36568
 Resolution #117/2007**



Approximately 0.54 ha area approved for
 subdivision in the ALR



Location of fencing and buffering



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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 Henk van Gorp was received March 2, 2007 requesting that the Commission reconsider its decision recorded as Resolution #258/2006.

Application: # G- 36568
Applicant: Siegfried Acherman
Current Proposal: To subdivide an approximately 0.54 ha lot instead of the approved 0.4 ha lot as the topographic nature of the property does not allow access to this area by a reasonable grade.
Original 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.
Decision: Refused as proposed, the Commission would approve the subdivision of a 0.4 ha lot and the proposed boundary line adjustment subject to conditions.
Legal: PID: 010-603-549
Lot 3, Section 13, Township 26, Osoyoos Division Yale District, Plan 4119
Location: 1959 Walburn Road

Discussion

As the Commission had discussed the agricultural capability and suitability of the property in the original application, it did not believe it necessary to reiterate its findings. The Commission's main concern was the possible impact of the increased lot size on the remainder of the subject property.

Although the Commission originally stated that it would prefer a 0.2 ha homesite lot but that because the topography of the site and access were both limiting factors to restricting the size of the lot, it allowed the subdivision of a 0.4 ha lot. A survey has identified that a 0.54 ha lot is required to overcome the topographical constraints of the property. The Commission did not believe that a slightly larger lot would have a negative impact on the agricultural remainder of the property.

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 0.54 ha lot instead of the approved 0.4 ha lot as the topographic nature of the property does not allow access to this area by a reasonable grade be allowed

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 and installation of buffering along the north and east boundaries of the new 0.54 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.
- compliance with the *Homesite Severance Policy*
- 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 # 117/2007