



**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

May 26, 2008

Reply to the attention of Brandy Ridout  
ALC File: G-37290

Wilf and Odile Hoffman  
1032 Webster Road  
Kelowna, BC V1P1C2

Dear Sir/Madam:

**Re: Application to Subdivide Land within the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 285/2008 outlining the Commission's decision (and an attached sketch plan) 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 (A06-0027)

Enclosure: Minutes/Sketch Plan/Homesite Severance Policy





## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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A meeting was held by the Provincial Agricultural Land Commission on May 9, 2008 at Vernon, B.C.

<b>PRESENT:</b>	Roger Mayer	Chair, Okanagan Panel
	Sid Sidhu	Commissioner
	Gerald Zimmermann	Commissioner
	Brandy Ridout	Staff
	Martin Collins	Staff

### For Consideration

Application: # G- 37290  
Applicant: Wilf and Odile Hoffman  
Proposal: To subdivide a 0.27 ha lot from the 1.6 ha property as per Homesite Severance Policy. The applicants have offered to register a covenant against the remainder, restricting the location of the homesite to the existing barn area so no arable land would be disturbed by a new residence.  
Legal: PID: 004-671-406  
That part Block 35, shown on Plan B4779, Section 25 & 26, Township 26, Osoyoos Division Yale District, Plan 264  
Location: 1032 Webster Road, Kelowna

### Site Inspection

No site inspection was undertaken. Sid Sidhu recalled the June 5, 2007 site inspection. Commissioner Zimmerman indicated that he was familiar with the property.

### Context

The reconsideration proposal was considered in the context of Section 33 of the *Agricultural Land Commission Act* (the "Act"), Which states:

*"On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that*

*(a) evidence not available at the time of the original decision has become available,...."*

The Commission believed that the revised proposal constituted evidence not available at the time of the original decision.

### Discussion

The Commission assessed what persons were affected by the reconsideration.

The Commission had no objection to the revised proposal because the slight expansion in the proposed homesite lot was compensated for by the applicants' willingness to

register a covenant against the title of the agricultural remainder restricting the location of the home to the barn site. The Commission believed that restricting the new home to this non productive area would help ensure that the maximum amount of land would be retained in cultivation.

### **Conclusions**

1. That the land under application has agricultural capability and is appropriately designated as ALR and is suitable for agricultural use.
2. That the revised proposal is consistent with the purposes of the Commission's "*Homesite Severance Policy*", and the direction provided by Resolution # 497/2007.

### **IT WAS**

**MOVED BY:** Commissioner Gerry Zimmerman

**SECONDED BY:** Commissioner Sid Sidhu

THAT there no persons affected by the reconsideration, and;

AND THAT the revised 0.27 ha Homesite Severance subdivision be approved subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- the construction of a fence on the north and east boundaries of the new 0.27 ha lot.
- the planting of vegetative buffering on the north and east boundaries of the new 0.27 ha lot.
- the registration of a covenant against the title of the agricultural remnant, restricting the location of the home to the existing barn area
- compliance with the Homesite Severance Policy
- the subdivision must be completed within three (3) years from the date of this decision.
- approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.

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 # 285/2008**