



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

January 6, 2011

Reply to the attention of Martin Collins
ALC File 51644

Herman Halvorson
PO Box 87
Grindrod, B.C.
V0E 1Y0

Dear Sir:

Re: Request for Reconsideration

This is further to your letter of September 20th, 2010 in which you asked the Provincial Agricultural Land Commission to reconsider Resolution #2517/2010.

The Commission has reconsidered the matter and has attached the Minutes of Resolution #2845/2010 and a sketch plan outlining its latest decision.

If you wish to proceed on the basis of the Commission's decision please provide this office with two paper prints of the final subdivision plan. Upon confirmation that the conditions of approval are completed the Commission will authorize deposit of the subdivision plan at the Land Title Office.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Martin Collins', is written over a horizontal line.

Brian Underhill, Executive Director

cc: Regional District of North Okanagan

Enclosure: Minutes/Sketch Plan

MC/d2



A meeting was held by the Provincial Agricultural Land Commission on November 23, 2010.

PRESENT:	Roger Mayer	Chair
	Sylvia Pranger	Commissioner
	Martin Collins	Staff
	Brandy Ridout	Staff

For Consideration

A September 20th, 2010 letter from Herman Halvorson was received requesting that the Commission reconsider its decision recorded as Resolution #2517/2010. The letter references new information; a draft Master Parks Plan and a Community Tourism report which support the development of a new water access park for the Shuswap River between Grindrod and Enderby.

Application:	51644
Applicant:	Herman Halvorson
Agent:	R.C. Power and Associates
Original proposal:	To subdivide the 3.15 ha parcel into two ~1.5 ha lots and a 0.18 ha park parcel
Original decision:	Refuse as proposed
Current proposal:	As noted above
Legal:	PID 024-083-933 Lot B, DL 526, KDYD, Plan KAP60768
Location:	Foxwood Road, Grindrod

Site Inspection

A site inspection was conducted for the original application on March 15, 2010. Those in attendance at that time were:

- R. Mayer Chair, Okanagan Panel
- Martin Collins Staff
- Brandy Ridout Staff
- Rob Smailes Regional District of North Okanagan Staff

Context

The proposal was considered under Section 33 of the Agricultural Land Commission Act (the "Act") which states:

- S33(1) 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,
 - (b) all or part of the original decision was based on evidence that was in error or was false, or
 - (c) a recommendation by a facilitator under section 13 relating to a dispute warrants a reconsideration of the original decision.

The Commission believed that the applicant had provided evidence that was not available at the time of the original decision and so reconsidered the application.

Commissioner Eligible to Vote

Commissioner S. Pranger was not present at the site inspection. It was confirmed that a summary of the site inspection and the original decision was provided thus establishing the Commissioner's eligibility to vote on the application.

Discussion

The Commission noted the applicant's primary rationale for the subdivision was to enhance tourism by providing park access to the Shuswap River. However, no information was provided as to how subdividing the 3 ha parcel into two 1.5 ha rural residential lots would enhance the land's agricultural capability. It is the Commission's experience that parcels which are smaller than 2 ha are unlikely to be used for agricultural purposes.

The proposed park subdivision was very minor (0.15 ha) and would likely have little impact on the agricultural capability of the property, provided the area was fenced and buffered from the agricultural remainder.

IT WAS

MOVED BY: Commissioner R. Mayer
SECONDED BY: Commissioner S. Pranger

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 for a three lot subdivision be refused;

AND THAT a 0.18 ha lot be allowed to be subdivided for park use, subject to the following:

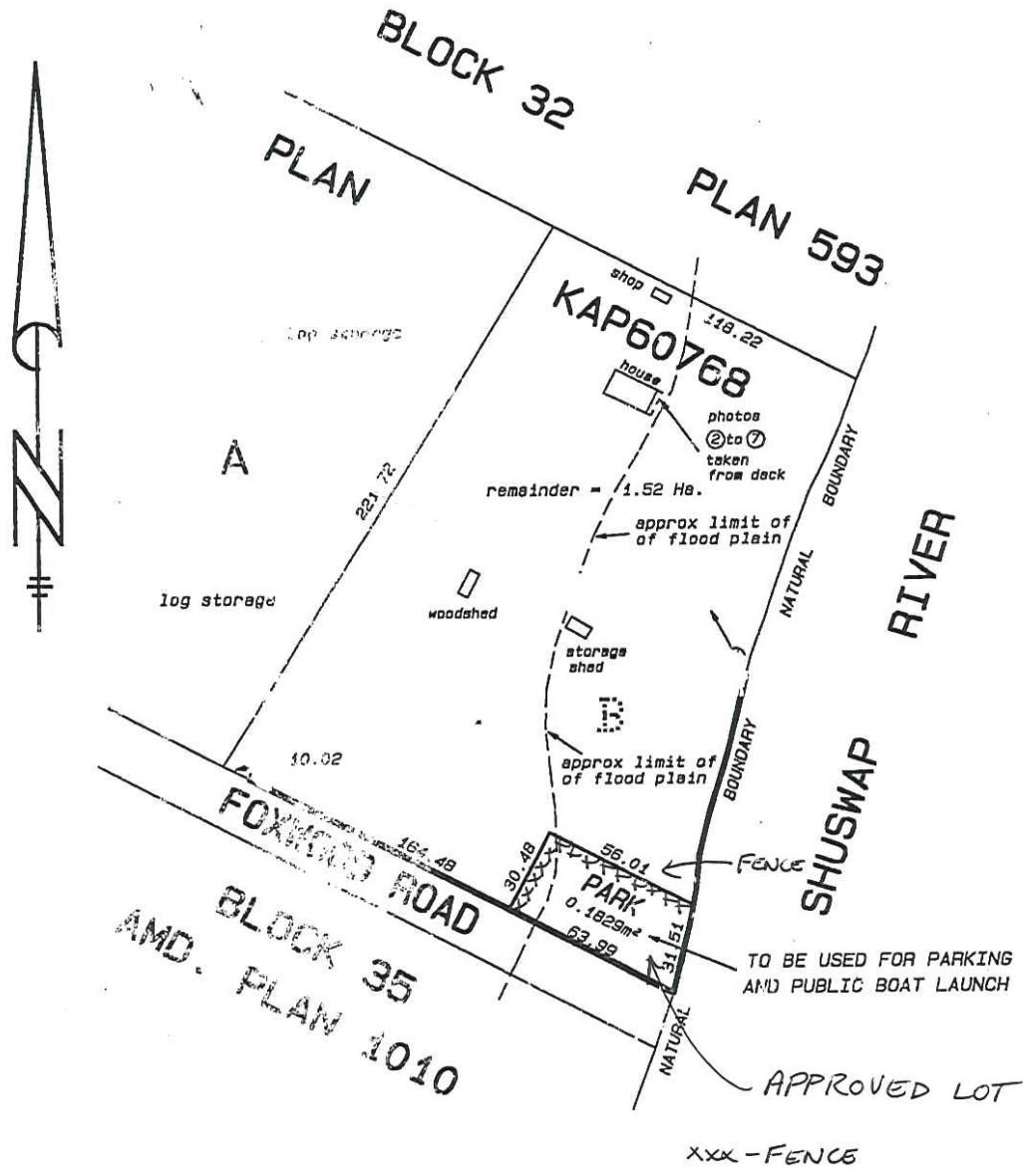
- that the north and west boundaries of the 0.18 ha park parcel be fenced with a six ft high chain link fence, and
- that a covenant be registered against the title of the park parcel prohibiting the removal of natural vegetation within 10 meters of the fence, except as required for public safety.

- That the subdivision be completed within three years of the date of the 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 # 2845/2010

ALL APPLICATION # 51644
 RESOLUTION # 2845/2010
 APPROVED SUBDIVISION



PLAN OF PROPOSED SUBDIVISION OF:
 PART OF LOT B, PLAN KAP60768,
 DISTRICT LOT 526, K.D.Y.D.

R.C. POWER & ASSOCIATES
 2916 29TH STREET VERNON B.C. V1T 7A6
 PHONE : (250) 542-1230
 FAX : (250) 542-7472

DATE : 30 JANUARY 2007	DRAWN : RCP
SCALE : 1:2000	FILE : B9775.PRE
CLIENT : HALVORSON	