



Agricultural Land Commission
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June 6, 2006

Reply to the attention of Brandy Ridout
ALC File #V-36518

Eike Scheffler
PO Box 890
Osoyoos, BC V0H 1V0

Dear Mr. Scheffler:

Re: Application for exclusion from the Agriculture Land Reserve

Please find attached the Minutes of Resolution #252/2006 outlining the Commission's decision as it relates to the above noted application. As agent it is your responsibility to notify your clients accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karsen, Chair

cc: Regional District of Okanagan-Similkameen (#A-06-01258.000)
Mark Pendergraft, Director, Electoral Area 'A'

BR/lv/Encl.: Minutes
36528d1

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 # V – 36518
Applicant(s) Adriano & Elsa Ferreira
Proposal To exclude the 1.4 ha subject property from the ALR.
Legal PID: 010-557-903
Lot 4, District Lot 43, Similkameen Division Yale District, Plan 4351, Except Plan 12713
Location 4275 Highway 3E, Osoyoos

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
- Applicants: Adriano & Elsa Ferreira
- Agent: Eike Scheffler

Mr. Scheffler confirmed that he had received the staff report dated March 27, 2006 and did not identify any errors.

Discussion

The Commission considered the reasons presented for the exclusion request, namely that the property is fronted by two paved roads (one of which is a major highway), is very small, and the farmed portion is steep and has a gully. During the site visit the Commission noted that despite the slope of the property, it had historically been farmed and was currently in orchard. The Commission noted that while the location, size and topography of the subject property may provide challenges to farming, the fact that the land has good agricultural capability warrants its retention in the ALR.

IT WAS

MOVED BY: Commissioner McCoubrey
SECONDED BY: Commissioner Irvine

THAT the application be refused on the grounds that the land has good agricultural capability.

CARRIED
RESOLUTION #252/2006



Staff Report
Application # V – 36518
Applicant: Adriano & Elsa Ferreira
Agent: Eike Scheffler
Location: Osoyoos

DATE RECEIVED: March 3, 2006

DATE PREPARED: March 27, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To exclude the 1.4 ha subject property from the ALR.

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The applicants have stated the reason for the request is because the lot is not conducive to continued agricultural use and should be valued as a view property. The applicants are beyond retirement age and want to leave a viable residential heritage for their children.

A letter was included from the applicants' agent Eike Schleffler, P. Ag. and former Electoral Area 'A' Director, supporting the exclusion of the property from the ALR. The reasons identified in support of exclusion are that the property is fronted by two paved roads (one of which is a major highway), is very small, and the farmed portion is steep and has a gully.

Local Government:

Regional District of Okanagan-Similkameen

Legal Description of Property:

PID: 010-557-903

Lot 4, District Lot 43, Similkameen Division Yale District, Plan 4351, EXCEPT Plan 12713

Purchase Date:

June 7, 1979

Location of Property:

4275 Highway 3E, Osoyoos

Size of Property:

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

BACKGROUND INFORMATION (continued):

Present use of the Property:

Farm and highway commercial. The buildings on the property include a residence with attached convenience store, a seasonal fruit stand, a greenhouse, a garage, and a cold storage. Information from the previous application on the subject property indicates that these buildings (except the greenhouse) and gas pumps existed on the property in July 1974.

Surrounding Land Uses:

WEST: Highway 3E, farm with fruit stand, residence
SOUTH: Farms
EAST: Two residential lots
NORTH: Farm, one residence

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E.003
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

Osoyoos Rural Official Community Plan Bylaw No 2260 (2004)
Designation: Commercial

Zoning Bylaw and Designation:

Osoyoos Rural Zoning Bylaw No. 2261 (2004)
Designation: Commercial

PREVIOUS APPLICATIONS:

Application #114-74-287

Applicant: John Garcia
Decision Date: January 10, 1975
Proposal: To build a second dwelling on the northeast corner of the property. The applicant currently lives in the residence that is part of the store.
Decision: Refused – the quality of soils is excellent and construction of the additional dwelling would alienate good agricultural land.

RELEVANT APPLICATIONS:

Application #36241-0

Applicant: Harbhajan & Jasbir Sidhu
Decision Date: Currently under consideration.
Proposal: To exclude the 2 ha property from the ALR.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District of Okanagan-Similkameen: Forwarded without comment.

Development Services Department: The Town of Osoyoos has indicated a potential boundary expansion to a location adjacent to the subject property.

STAFF COMMENTS:

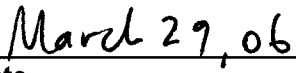
Staff suggests the Commission consider the following:

- The property has as an agricultural capability rating of 70% Class 3TA (limitations due to topography and aridity) 30% Class 6TE (limitations due to topography and erosion). The portion of the property that is not used for buildings is currently farmed.
- The applicants' agent notes the steepness of the farmed area as a rationale for exclusion. A site visit will provide information on the impact of the slope on the agricultural use of the property.

END OF REPORT



Signature



Date