



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 10, 2006

Reply to the attention of Brandy Ridout
ALC File #V-36519

James Liebel
2901 52nd Avenue
Osoyoos, BC V0H 1V6

Dear Mr. Liebel:

Re: Application to subdivide in the Agriculture Land Reserve

Please find attached the Minutes of Resolution #209/2006 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: Regional District of Okanagan-Similkameen - A-06-01212-000

BR/lv/Encl.: Minutes
Sketch Plan

36519d1

THAT the application to subdivide a 0.2 ha homesite lot from the 4.2 ha subject property under the *Homesite Severance Policy* be approved

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application,
- The installation of buffering and fencing around the new 0.2 ha lot for the purpose of limiting its impact on the remaining farm unit. Plans should be submitted to the Commission for approval.

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 #209/2006**



**Staff Report
Application # V – 36519
Applicant: James Liebel
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 subdivide a 0.2 ha homesite lot from the 4.2 ha subject property under the *Homesite Severance Policy*.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The applicant has lived and worked on the subject property since he was born. He entered into a verbal agreement with his father in 1972 and upon final payment, the title was transferred to his name in 1978.

Local Government:

Regional District of Okanagan-Similkameen

Legal Description of Property:

PID: 010-707-085

Lot 2, District Lot 42 & 157, Similkameen Division Yale District, Plan 3847

Purchase Date:

Title is dated July 24, 1978

Location of Property:

2901 - 52 Avenue, Osoyoos

Size of Property:

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

Present use of the Property:

Fruit farming, house, two garages

BACKGROUND INFORMATION (continued):

Surrounding Land Uses:

WEST: Vineyard
SOUTH: Orchard
EAST: Orchard
NORTH: Orchard

Agricultural Capability:

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

Official Community Plan and Designation:

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

Zoning Bylaw and Designation:

Osoyoos Rural Zoning Bylaw No. 2261 (2004)
Designation: Agriculture 2 (AG2)

RELEVANT APPLICATIONS:

There have been a number of requests for subdivision in the area under the *Homesite Severance Policy*.

Application #19634-0

Applicant: Ed and Margaret Fodey
Decision Date: November 21, 1985
Proposal: To subdivide a 0.4 ha homesite lot from the 4.4 ha property under the *Homesite Severance Policy*. The remainder will be consolidated with an adjacent parcel.
Decision: Allowed - subject to the remainder of the subject property being consolidated with Lot A, Plan 26614, District Lot 43 and 100 SDYD.

Application #31524-0

Applicant: Julius Szabo
Decision Date: October 21, 1997
Proposal: To subdivide a 0.2 ha lot from the property under the *Homesite Severance Policy*.
Decision: Allowed - subject to fencing and vegetative screening.

Application #34040-0

Applicant: Dennis Hearle
Decision Date: November 1, 2001
Proposal: To subdivide approximately 0.4 ha from the approximately 13 ha property under the *Homesite Severance Policy*.
Decision: Allowed.

RELEVANT APPLICATIONS (continued):

Application #34970-0

Applicant: Frank W. & Sally J. Perry
Decision Date: September 19, 2003
Proposal: To subdivide a 0.4 ha homesite lot from the 2.44 ha subject property under the *Homesite Severance Policy*.
Decision: Allowed, subject to fencing.

Application #36404-0

Applicant: Edgar & Yolanda Liebel
Decision Date: January 19, 2006
Proposal: To subdivide a 0.4 ha homesite from the 4.7 ha subject property.
Decision: Refused – would allow subdivision of a 0.2 ha lot subject to fencing.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District of Okanagan-Similkameen: Forwarded without comment.


STAFF COMMENTS:

Staff suggests the Commission consider the following:

- The Commission recently refused a request for a 0.4 ha homesite lot on the property to the south of the subject property as it believed the lot would have too great an impact on the agriculture on the remainder of the property. It allowed a 0.2 ha lot.
- A site visit could assist in determining the potential impact of the 0.4 ha lot on the remainder of the parcel.

END OF REPORT

Signature



Date

April 10, 06