



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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www.alc.gov.bc.ca

March 17, 2008

Reply to the attention of Brandy Ridout  
ALC File: V-37787

Mary Ihme  
Remax Realty Solutions  
PO 1099  
Osoyoos, BC V0H1V0

Dear Ms. Ihme:

**Re: Application to subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 62/2008 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly.

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:

A handwritten signature in black ink, appearing to be 'E. Karlsen', written over a light grey background.

Erik Karlsen, Chair

cc: Regional District of Okanagan-Similkameen (A-07-01247-000)

Enclosure: Minutes/Sketch Plan

BR  
i/37787d1



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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A meeting was held by the Provincial Agricultural Land Commission on March 6, 2008 in Vernon, BC.

<b>PRESENT:</b>	Sue Irvine	Chair, Okanagan Panel
	Sid Sidhu	Commissioner
	Roger Mayer	Commissioner
	Brandy Ridout	Staff

### For Consideration

Application: # V- 37787  
Applicant: Sebastiao and Piedade Fernandes  
Agent: Mary Ihme, Remax Realty Solutions  
Proposal: To subdivide a 0.2 ha lot from the 3.2 ha subject property and sell the remaining 3 ha to the adjoining landowner to the north to be consolidated with Lot B, Plan 12462, DL 157, SDYD (3.9 ha). If approved, the proposal would result in one 0.2 ha lot and one 6.9 ha lot.  
Legal: PID: 010-917-918  
Parcel A (DD132937F and Plan B6267 of Lot 7, District Lot 42,157 and 2709, Similkameen Division Yale District, Plan 3027  
Location: 3312 - 16<sup>th</sup> Avenue, Osoyoos

### Site Inspection

A site inspection was conducted on March 4, 2008. Those in attendance were:

- Sue Irvine Chair, Okanagan Panel
- Sid Sidhu Commissioner
- Roger Mayer Commissioner
- Brandy Ridout Staff
- Sebastiao Fernandes Applicant
- Mary Ihme Agent

Ms. Ihme confirmed that the staff report dated February 12, 2008 was received and no errors were identified.

It was indicated that the 3 ha remainder would be purchased by the owner of Lot B, consolidated with that lot, and planted in grapes. The issue of fencing and buffering was discussed with the applicant.

### Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

## **Discussion**

### **Assessment of Agricultural Capability**

The agricultural capability of the soil of the subject property is Class 3 with a limitation of soil moisture deficiency. This is considered prime agricultural capability. The property to the north, to which the 3 ha remainder would be consolidated, also has Class 3 agricultural capability.

### **Assessment of Agricultural Suitability**

The Commission assessed whether factors, such as encroaching non-farm development, have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are factors that render the land unsuitable for agricultural use.

### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long-term goal of preserving agricultural land. In its analysis of impact, the Commission considered the proposal to consolidate the 3 ha remainder with an adjoining agricultural parcel (Lot B) and noted that the proposal would not result in the creation of additional lots in the area. It would also create a 6.9 ha agricultural parcel.

In addition, the location of the proposed 0.2 ha lot was considered. It was noted that the proposed triangular-shaped 0.2 ha lot was separated from the property lying to the west by a panhandle access to Lot B and from the property to the east by a road. The remaining side would be shared with the agricultural remainder that would be consolidated with Lot B. The Commission believed it important to fence and buffer the boundary between the 0.2 ha lot and the agricultural remainder.

## **Conclusions**

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will not have a negative impact agriculture as no new lots will be created and the 0.2 ha lot will be buffered from adjacent agricultural operations.

## **IT WAS**

**MOVED BY:** Commissioner Irvine

**SECONDED BY:** Commissioner Sidhu

THAT the application to subdivide a 0.2 ha lot from the 3.2 ha subject property and sell the remaining 3 ha to the adjoining landowner to the north to be consolidated with Lot B, Plan 12462, DL 157, SDYD (3.9 ha) 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 (final subdivision plans must show the consolidation of Lot B with the remainder of Parcel A).

- The construction of a fence and the planting of vegetation for buffering along the northern boundary of the new 0.2 ha lot for the purpose of limiting its potential impact on surrounding agricultural operations.
- The subdivision must be completed within three (3) years from the date of this decision.

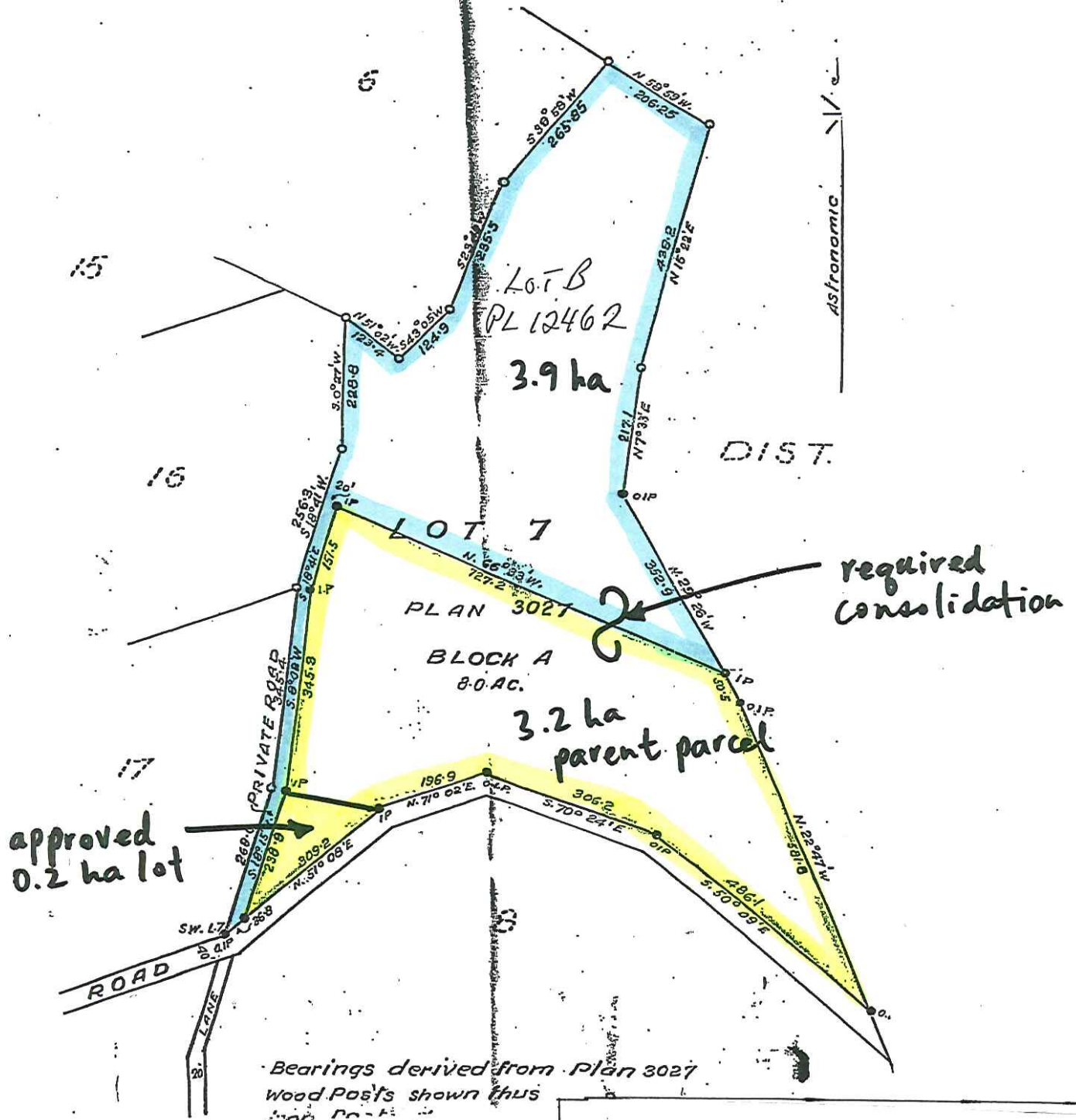
This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

**CARRIED**  
**Resolution #62/2008**



REFERENCE PLAN  
PART OF LOT 7 PLAN 3027  
DISTRICT LOT ~~22,157~~ 2  
Simikameen Division      Vale Distr

Scale 200' = 1"



required consolidation

approved 0.2 ha lot

Provincial Agricultural Land Commission  
 Application #V-37787  
 Resolution #62/2008