



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

April 27, 2006

Reply to the attention of Brandy Ridout
ALC File #V-36241

Bill Ross
PO Box 1199
Oliver, BC V0H 1T0

Dear Mr. Ross:

Re: Application to exclude land from the Agriculture Land Reserve

Please find attached the Minutes of Resolution #174/2006 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:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the 'Per:' label.

Erik Karlsen, Chair

cc: Regional District of Okanagan-Similkameen - A01234.00

BR/lv/Encl.: Minutes
36241d1



Staff Report
Application # V – 36241
Applicant: Harbhajan & Jasbir Sidhu
Agent: Bill Ross
Location: Osoyoos

DATE RECEIVED: August 29, 2005

DATE PREPARED: March 28, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To exclude the 2 ha property from the ALR.

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

BACKGROUND INFORMATION:

The application has been on hold since August as the applicant was finalizing the transfer of title.

The property is being requested for exclusion so that it can be developed as a residential subdivision. The property is adjacent to small lot residential properties to the east and west. In addition, the 0.4 ha lot to the south was approved under a recent homesite severance application. The residences to the east pre-date the ALR and the residences to the west are not in the ALR.

The property is included within the proposed Town of Osoyoos Boundary Extension Project currently under consideration. It is the agent's opinion that when the property is included into the Town, it will be serviced with water and sewer and the highest and best use of the property would be residential.

Local Government:

Regional District of Okanagan-Similkameen

Legal Description of Property:

PID: 009-637-222

Lot 1, District Lot 42, Similkameen Division Yale District, Plan 9867, Except Plan KAP77333

Purchase Date:

February 2005

Location of Property:

3825 - 33rd Street, Electoral Area 'A', east of Osoyoos

Re: Application #V-36241

BACKGROUND INFORMATION (continued):

Size of Property:

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

Present use of the Property:

Newly planted orchard, residence.

Surrounding Land Uses:

WEST: Non-ALR, residential

SOUTH: ALR, orchard

EAST: ALR, small lot residential predating ALR

NORTH: ALR, 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: Small Holdings

Zoning Bylaw and Designation:

Osoyoos Rural Zoning Bylaw No. 2261 (2004)

Designation: Small Holdings One (SH1)

PREVIOUS APPLICATIONS:

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 the conditions of the *Policy*.

RELEVANT APPLICATIONS:

Application #36518-0

Applicant: Adriano & Elsa Ferreira

Decision Date: Currently under consideration.

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

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District of Okanagan-Similkameen: Forwarded without comment.

OTHER COMMENTS:

Interested parties: Ten letters were received in opposition to the exclusion application, one of which was in the form of a petition signed by 19 individuals. The main concerns are:

- The property is prime agricultural land.
- The property has been a productive orchard for many years.
- The property was recently replanted in apple trees and a new irrigation system installed.
- There have been interface problems in the past between residences and farms that would only increase with more houses in the area.
- Precedence would be set for future exclusion requests in the area.
- New residential development would increase the pressure on the already taxed water supply.

STAFF COMMENTS:

Staff suggests the Commission consider the following:

- The agricultural capability of the property is Class 3AT (limited by aridity and topography).
- The property was recently purchased, at which time the old orchard was removed, it was replanted in apple trees, and a new irrigation system was installed.
- As the small lot residences to the east and west of the subject property have been in existence for approximately 30 years, the impact on the property has not changed from this perspective. The only change has been the approval of the subdivision of a 0.4 ha homesite lot from the subject property in 2003.

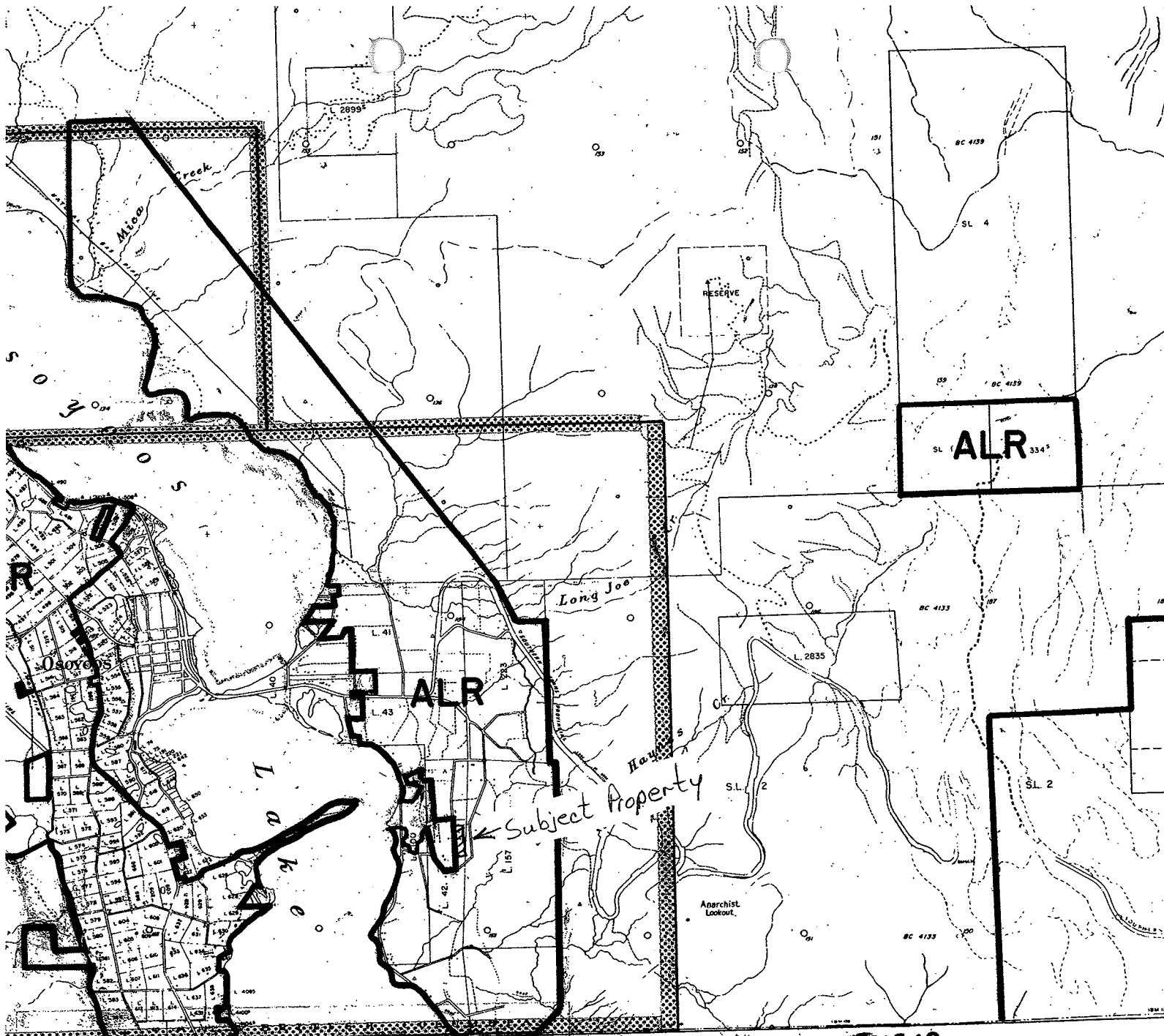
END OF REPORT



Signature



Date



AMENDMENTS

Date	Signature
Oct. 1, 1976	<i>Elaine Pursha</i>
July 31, 1981	<i>Elaine Pursha</i>
July 31, 1983	<i>Elaine Pursha</i>
JAN. 31, 1984	<i>Elaine Pursha</i>
JULY 31, 1984	<i>Elaine Pursha</i>
APRIL 30, 1985	<i>Elaine Pursha</i>
Jan. 31, 1986	<i>Elaine Pursha</i>
APR. 30, 1986	<i>Elaine Pursha</i>

1 OF 18
 I hereby CERTIFY that this is one of the base sheets of 1
 Agricultural Land Reserve Plan for the Regional District
 OKANAGAN - SIMILKAMEEN designated by Resolution of 1
 Provincial Land Commission pursuant to s.8 of the Land
 Commission Act, S.B.C., c. 46, on the 13th day of
 February 1974.

Elaine Pursha

OKANAGAN - SIMILKAMEEN Regional District

Application # 02-05-36241

Subject Property

Base Sheet # 82E/3 Scale: 1:50,000

↑
N