



Agricultural Land Commission
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May 3, 2006

Reply to the attention of Brandy Ridout
ALC File #V-36516

Ewald & Mavis Hartmann
12625 - 87th Street
Osoyoos, BC V0H 1V2

Dear Mr. and Mrs. Hartmann:

Re: Application to subdivide land in the Agriculture Land Reserve

Please find attached the Minutes of Resolution #179/2006 outlining the Commission's decision as it relates to the above noted application.

If you wish to proceed, please undertake the following steps:

1. Commence approval procedures of other agencies that must approve the subdivision.
2. Have a surveyor prepare the subdivision plan.
3. Obtain recent State of Title Certificate for the property.
4. Prepare a "Transfer of an Estate in Fee Simple" document indicating the transfer of the remainder of the property from you to the purchaser.
5. Prior to approaching the Registrar of Land Titles to register the subdivision please submit the following to this office:
 - a) two (2) paper prints of the plan of subdivision
 - b) the State of Title Certificate
 - c) a copy of the "Transfer of an Estate in Fee Simple" document
 - d) your signed commitment that the homesite lot will not be sold for five (5) years except in the case of estate settlements.
 - e) proof of completion of the completed fencing and vegetative buffering, or alternately a financial security (i.e. letter of credit) sufficient to complete the fencing/buffering at a later date.

Yours truly

PROVINCIAL AGRICULTURAL LAND COMMISSION

per:

Erik Karlsen, Chair

cc: Regional District of Okanagan Similkameen (#A 06-06013.005)

BR/lv/Encl.

Sketch Plan
Homesite Severance Policy

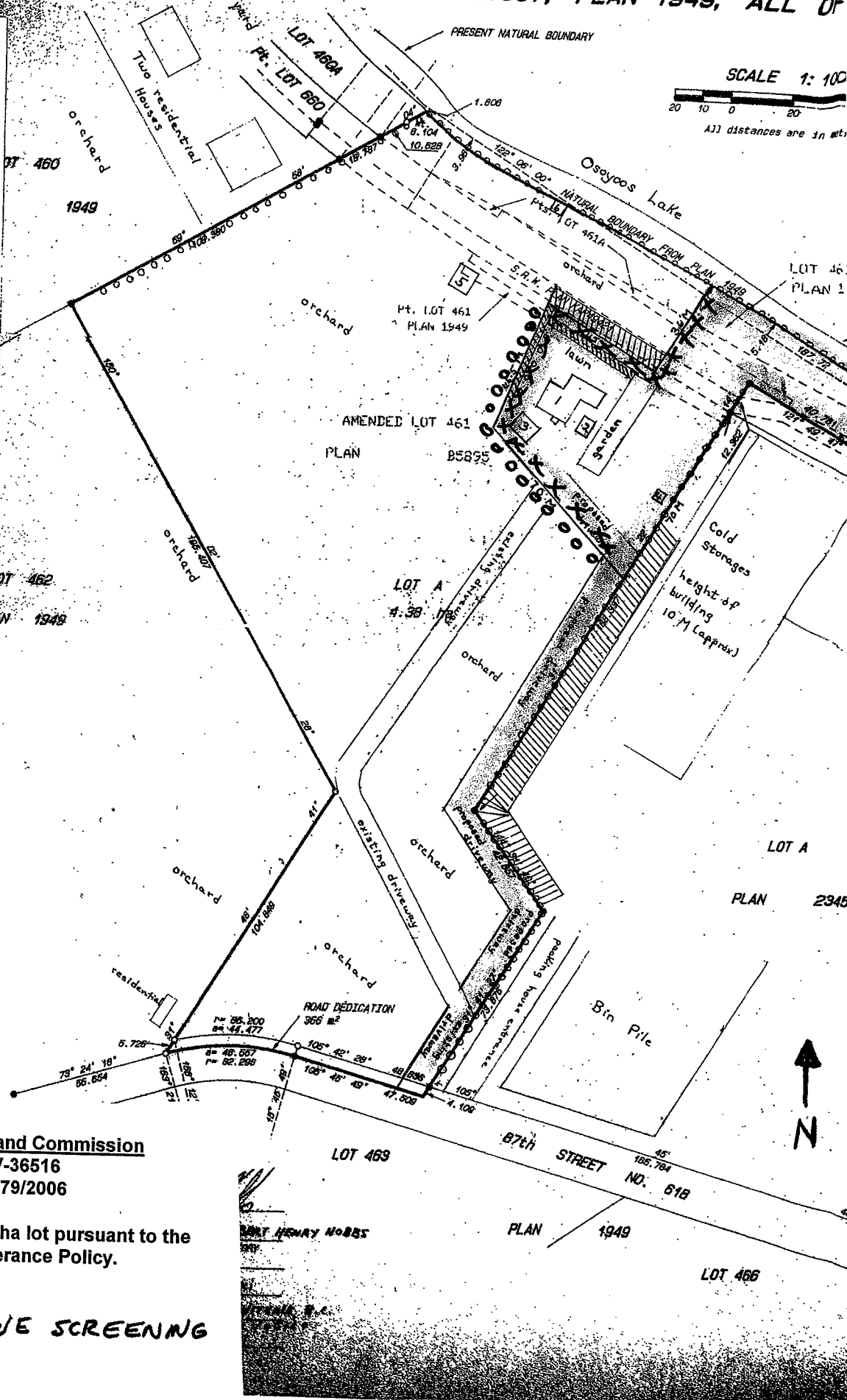
36516d1

AMENDED LOT 461 (179531F AND PLAN B5895), PART OF LOT 461 AND 461A SHOWN RED ON PLAN A1057, PLAN 1949; PART OF LOT 660 SHOWN RED ON PLAN A1057, PLAN 1949; ALL OF

The area outlined in red is the parcel under application for the Home Site Severance on A/R Land.

- Buildings**
1. Farm house
 2. Garage
 3. Workshop
 4. Domestic well
 5. Machine shed
 6. Pump house (Irrigation)
- 2 M. embankment
 7 M. embankment
 000 large spruce + cedar trees
- Total Orchard 4.38 ha
 Home Site Severance .6044 ha
 Remainder 3.77 ha
 * not true to scale
 (my pencilled drawings)
 fairly close though

SCALE 1: 100
 20 10 0 20
 All distances are in mts



EMILIO DANIEL BARTNANN
 WITNESS AS TO BOTH SIGNATURES
 PRINTED NAME OF WITNESS
 ADDRESS OF WITNESS
 OCCUPATION OF WITNESS

GRAN CREDIT CORPORATION (MORTGAGE 147347)
 AUTHORIZED SIGNATORY
 PRINTED NAME OF AUTHORIZED SIGNATORY
 ADDRESS OF AUTHORIZED SIGNATORY
 OCCUPATION OF WITNESS

Agricultural Land Commission
 Application: V-36516
 Resolution # 179/2006

Approved 0.6 ha lot pursuant to the
 Homesite Severance Policy.



XXXX FENCING
 0000 VEGETATIVE SCREENING

THAT the application 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 Commission has no objection to relocating the driveway as proposed, but is also prepared to accept an easement over the existing driveway to reduce disruption to the orchard.
- The construction of a fence and the planting of a vegetative buffer to limit the impact of the new lot on the remaining farm unit (see attached sketch). Fencing and vegetative screening plans should be submitted to the Commission for approval.
- That the homesite lot not be sold for five (5) years except in the case of estate settlements. The Commission requires your commitment in this regard which can be done by signing below and returning to our office a copy of the letter. The Commission requires your commitment prior to it approving deposit of the subdivision plan.
- That you obtain Commission approval for an increase in the size of the homesite lot or a change in its location deemed necessary by other approval agencies.

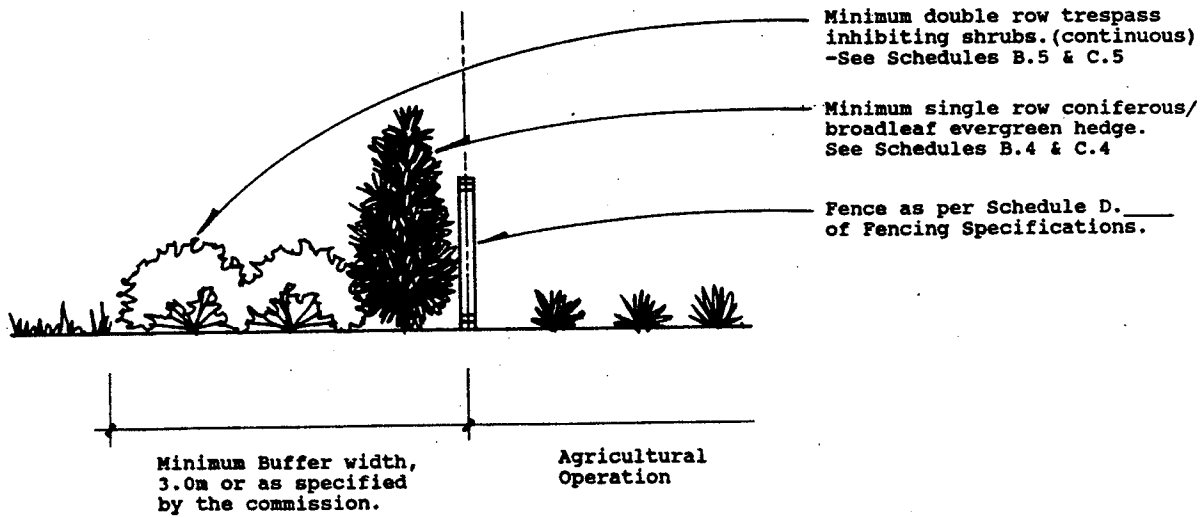
This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED
RESOLUTION # 179/2006

SCHEDULE A: BUFFER TYPES

**A.1: Minimum Vegetative Screen
(Evergreen Hedge)**

Minimum visual screening and protection of farmland from trespass and vandalism.





Staff Report
Application # V – 36516
Applicant: Ewald & Mavis Hartmann
Location: Osoyoos

DATE RECEIVED: March 2, 2006

DATE PREPARED: March 27, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To subdivide a 0.6 ha lot from the 4.4 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 applicants acknowledge that they are requesting a larger than average homesite severance lot but note that a 0.6 ha lot would allow them to protect their domestic water supply (shallow well). In addition, they note that the long narrow strip along the lakefront has always been difficult to farm because of soil type and environmental concerns. As the soil is mainly gravel and coarse sand with very little organic matter, fertilizers/sprays applied to the area have the tendency to enter the lake.

The applicants are proposing to relocate the existing driveway so that it will have less impact on the remainder of the orchard.

Local Government:

Regional District of Okanagan-Similkameen

Legal Description of Property:

PID: 023-867-914

Lot A, District Lot 2450s, Similkameen Division Yale District, Plan KAP59905

Purchase Date:

November 22, 1968

Location of Property:

12625 87th Street, Osoyoos

BACKGROUND INFORMATION (continued):

Size of Property:

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

Present use of the Property:

Residence and orchard

Surrounding Land Uses:

WEST: Co-op Fruit packing house (since 1949)

WEST: Orchard

SOUTH: Orchard

NORTH: Osoyoos Lake

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: Agriculture

Zoning Bylaw and Designation:

Osoyoos Rural Zoning Bylaw No. 2261 (2004)

Designation: Agriculture 2 (AG2)

PREVIOUS APPLICATIONS:

Application #25687-0

Applicant: CPALO Holdings Inc.

Decision Date: October 21, 1991

Proposal: To subdivide the old railway right of way and consolidation with adjacent properties.

Decision: Allowed. Proposal would increase the size and functional utility of several orchard parcels.

RELEVANT APPLICATIONS:

Application #36329-0

Applicant: George, Orlando and Leonilde Antunes

Decision Date: January 19, 2006

Proposal: To subdivide a 0.4 ha lot from the 5 ha property under *Homesite Severance Policy*.

Decision: Refused - the location of the requested lot would negatively impact the suitability of the remainder as an agricultural parcel. The Commission would allow a 0.2 ha lot on an alternate site.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District of Okanagan-Similkameen: Forwarded without comment.

Development Services: Where there is no community water or sewer services, the minimum parcel size for the homesite lot is 0.4 ha.


STAFF COMMENTS:

Staff suggests the Commission consider the following:

- The applicants qualify under the *Homesite Severance Policy* as they have owned and lived on the property since 1968.
- A site visit will help determine the potential impact of the requested 0.6 ha homesite lot on the 3.8 ha agricultural remainder.

END OF REPORT


Signature


Date