



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

June 14, 2006

Reply to the attention of Brandy Ridout
ALC File #V-36522

Andrew Baker
PO Box 27
Nimpo Lake, BC V0L 1R0

Dear Mr. Baker:

Re: Application to subdivide in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #269/2006 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: District of Summerland

BR/lv/Encl.: Minutes
Sketch Plan

36522d1

THAT the application be approved subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application,
- the construction of a fence along the new boundary of the homesite lot and the installation of a vegetative buffer along the western boundary of the lot for the purpose of limiting its impact on the remaining farm unit. Fencing and buffering 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 #269/2006



Staff Report
Application # V – 36522-0
Applicant: Andrew Baker, William Baker, Rose Melberg

DATE RECEIVED: March 6, 2006

DATE PREPARED: March 28, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Simone Rivers, Regional Research Officer

PROPOSAL: To adjust the lot lines between a 3.9 ha parcel and 0.16 ha parcel. The resulting parcels will be approximately 3.85 ha and 0.22 ha.

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

BACKGROUND INFORMATION:

The owners are proposing a lot line adjustment in order to give the owners of the smaller parcel more privacy and protection from interference such as fences, buildings, etc. that would obstruct the view when the owner of the larger parcel (his uncle) decides to sell the orchard. They state that they are not asking for any change in zoning and that the land effected is steep hillside, and not viable for any agricultural purpose.

The application to the Commission is needed because Lot 1 is less than 1 ha in size.

The Local Government Report presented the following background information about the subject property. The property at 8116 Jones Flat Road was created as the result of a homesite severance subdivision in 1985 from the parent parcel at 16576 Fosbery Road. Both of these properties are currently owned by members of the Baker Family. Andrew Baker, the owner of the larger farm property, is preparing to sell the farm and would like to adjust the lot line between the two properties to create a better buffer between the farm operation and the residential use.

Local Government:

The Corporation of the District of Summerland

Legal Description of Properties:

1. PID: 005-822-386
Block 6, District Lot 454, Osoyoos Division of Yale District, Plan 160, EXCEPT Plan 37605
2. PID: 017-115-027
Lot 1, District Lot 454, Osoyoos Division of Yale District, Plan KAP44358

Location of Property:

16575 Fosbery Road and 8116 Jones Flat Road, Summerland

Total Size of Properties:

4.1 ha (Both properties are in the ALR).

Block 6 - 3.9 ha

Lot 1 - 0.16 ha

Present use of the Properties:

Block 6 - Orchard and raw land with mobile home and garage

Lot 1 - Residential Lot within the land reserve

Surrounding Land Uses:

WEST: Orchard (ALR)

SOUTH: Residential (ALR)

EAST: Orchard (ALR)

NORTH: Orchard (ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E.062

The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

F - Farmland

Zoning Bylaw and Designation:

A1 - Agriculture

PREVIOUS APPLICATIONS:

Application #25737-0

Applicant: Baker, Andrew

Decision Date: June 05, 1991

Proposal: remove 1500 m³ of sand and gravel up to a maximum depth of 12 metres

Decision: allowed with conditions

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

District of Summerland Municipal Council: Council adopted the following resolution: That the application be supported and forwarded to the Agricultural Land Commission for consideration and that the support be conditional upon the provision of:

- a buffer meeting the most current and relevant guidelines prescribed by the Land Commission or alternatively a buffer which is results-based and designed and signed off by a qualified professional with the establishment of a covenant for the buffer and its maintenance
- a covenant under section 219 of the Land Title Act be registered against the title to inform future occupants that their land borders with land for agricultural use and;

- a property line following the contour of the land (e.g. following the long dotted line as shown on map page 25 of the Planner's report dated January 4, 2006.)

Corporation of the District of Summerland Planning Department: The planning department recommended that the application be supported and forwarded to the Agricultural Land Commission for consideration and that support be conditional upon the provision of suitable fencing being installed between the farm and the homesite.

This application was circulated to the Works and Utilities department who note that minimal road dedication to achieve an 8 m wide road right-of-way on the north half of Jones Flat Road is required. This road dedication may require the relocation of the existing water shut off.

This lot line adjustment provides a greater buffer between a residential use and an active farm. This greater buffering does not impact on farmland due to the topography of the terrain in question.... the reconfigured lot would increase the protective buffer between conflicting land uses without compromising agricultural viability of the adjacent farm. The conditional support would also ensure construction of a fence between the properties.

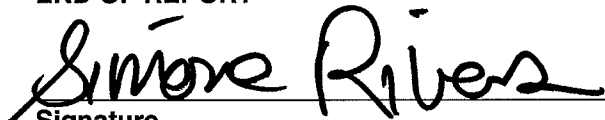
The planning department concludes their report by stating that *"this application supports farming, increases the separation between potentially conflicting land uses and ensures the construction of a fence."*

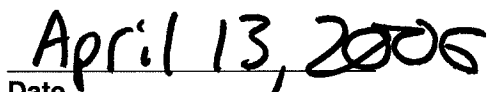
Agricultural Advisory Committee: recommends that *"Council approve the subdivision in the ALR application for a lot line adjustment subject to appropriate fencing that would prevent trespass of people and animals on Lot 1..."*

STAFF COMMENTS:

Staff recommends support as the change in lot size is only 0.05 ha. The area of the property proposed for the increased lot is not improved for agriculture and will not abut the agricultural portion of the property even with the increase in size. The fencing requirements and covenants recommended by the District of Summerland should ensure the mitigation of future conflict.

END OF REPORT


Signature


Date