



Agricultural Land Commission
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July 5, 2006

Reply to the attention of Brandy Ridout
ALC File #V-36720

Garbine Astigarraga
c/o 100 - 166 Main Street
Penticton, BC V2A 5B4

Dear Ms. Astigarraga:

Re: Application to subdivide in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #311/2006 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:

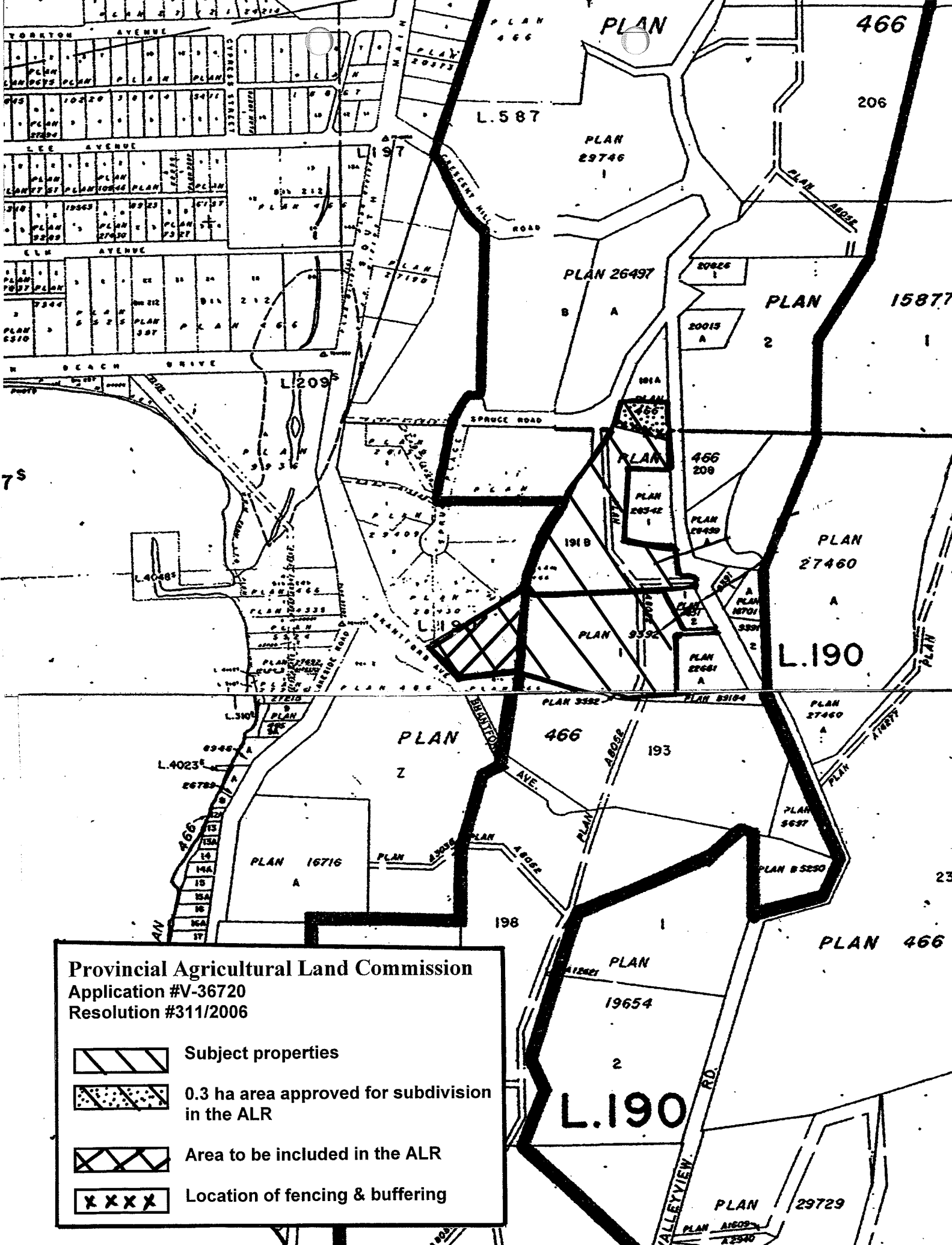
A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over a white background.

Erik Karlsen, Chair





cc: City of Penticton - ALR-06-7557

BR/lv/Encl.: Minutes
Sketch Plan

36720d1



Provincial Agricultural Land Commission
 Application #V-36720
 Resolution #311/2006

	Subject properties
	0.3 ha area approved for subdivision in the ALR
	Area to be included in the ALR
	Location of fencing & buffering

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on June 28, 2006 in Kelowna, BC.

PRESENT:	Sue Irvine	Chair, Okanagan Panel
	Sharon McCoubrey	Commissioner
	Sid Sidhu	Commissioner
	Brandy Ridout	Staff

For Consideration

Application # V – 36720
Applicant(s) Garbine Astigarraga
Proposal To do a boundary line adjustment between a 2.2 ha lot and a 2.6 ha lot to contain the existing vineyard on a 4.5 ha lot and the existing residence on a 0.3 ha lot.
Legal 1. PID: 005-673-437
Lot 1, District Lot 190, Similkameen Division Yale District, Plan 9392, EXCEPT Plans 14851, 22681, B9184
2. PID: 009-326-723
Lot A, District Lot 190 & 587, Similkameen Division Yale District, Plan 39035
Location 3851 Valleyview Road and 75 Brantford Avenue

Site Inspection

A site inspection was conducted on June 27, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey and Sid Sidhu
- Staff: Brandy Ridout
- Applicant: Garbine Astigarraga
- Real estate agent: Karen Niven

Ms. Astigarraga confirmed that she had received the staff report dated June 26, 2006 and did not identify any errors.

Discussion

The Commission believed that the proposed boundary line adjustment would provide a benefit to agriculture in that the whole vineyard would be on one title.

However, the Commission was concerned that possible future subdivision of the property along the ALR boundary would create an additional residential lot in the area and reduce the possibility of the subdivided area being developed for agriculture. Although the non-ALR portion of the property was a gully, it believed that it could possibly be developed for agriculture in the future. As such, it would require that the non-ALR portion of the property be included into the ALR.

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IT WAS

MOVED BY: Commissioner McCoubrey

SECONDED BY: Commissioner Irvine

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 construction of a fence and installation of a vegetative buffer around the new 0.3 ha 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.
- the submission of an inclusion application for the non-ALR portion of the property.

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 #311/2006



Staff Report
Application # V – 36720
Applicant: Garbine Astigarraga
Location: Penticton

DATE RECEIVED: May 24, 2006

DATE PREPARED: June 26, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To do a boundary line adjustment between a 2.2 ha lot and a 2.6 ha lot to contain the existing vineyard on a 4.5 ha lot and the existing residence on a 0.3 ha lot.

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

BACKGROUND INFORMATION:

Currently the two properties are under the same ownership and are operated as one farm. The proposed lot line adjustment would provide for a residential non-farm use property encompassing the existing dwelling and the two large agricultural areas would be combined into one larger farm.

The southern subject property is only partly in the ALR.

Local Government:

The City of Penticton

Legal Description of Properties:

1. PID: 005-673-437
Lot 1, District Lot 190, Similkameen Division Yale District, Plan 9392, EXCEPT Plans 14851, 22681, B9184
2. PID: 009-326-723
Lot A, District Lot 190 & 587, Similkameen Division Yale District, Plan 39035

Purchase Date:

April 2003

Location of Properties:

3851 Valleyview Road and 75 Brantford Avenue

Size of Properties:

4.8 ha (approximately 3.5 ha are in the ALR).

BACKGROUND INFORMATION (continued):

Present use of the Property:

Vineyard, single family residence

Surrounding Land Uses:

WEST: Non-ALR, agricultural/residential use
SOUTH: ALR, agricultural/residential use
EAST: ALR, agricultural/residential use
NORTH: ALR, agricultural use

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E.043
The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

City of Penticton Official Community Plan Bylaw 2002-20
Designation: AG

Zoning Bylaw and Designation:

Zoning Bylaw No. 87-65
Designation: A
Minimum lot size: 2 ha

PREVIOUS APPLICATIONS:

Application #00454-0

Applicant: Deadmarsh, E. C.
Decision Date: July 20, 1976
Proposal: Requesting permission to subdivide the 3.1 ha property along the ALR boundary thereby creating two lots of 1.5+ ha (within the ALR) and 0.4 ha (outside of the ALR).
Decision: Refused, on the grounds that the property has potential for agricultural uses such as for orchard land.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

City of Penticton Council: Forward with support.

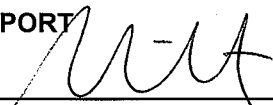
Agriculture Advisory Committee: Support.

STAFF COMMENTS:

Staff recommends a site visit to determine the impact on agriculture of the proposed boundary line adjustment.

END OF REPORT

Signature



Date

June 26, 06