



Agricultural Land Commission
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August 10, 2006

Reply to the attention of Brandy Ridout
ALC File #36748

Jose & Madalina Trovao
11605 - 97 Street
Osoyoos, BC - V0H1V2

Dear Mr. and Mrs. Trovao:

Re: Application to subdivide in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #391/2006 outlining the Commission's decision as it relates to the above noted application.

If you wish to pursue the Commission's alternate approval, 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:

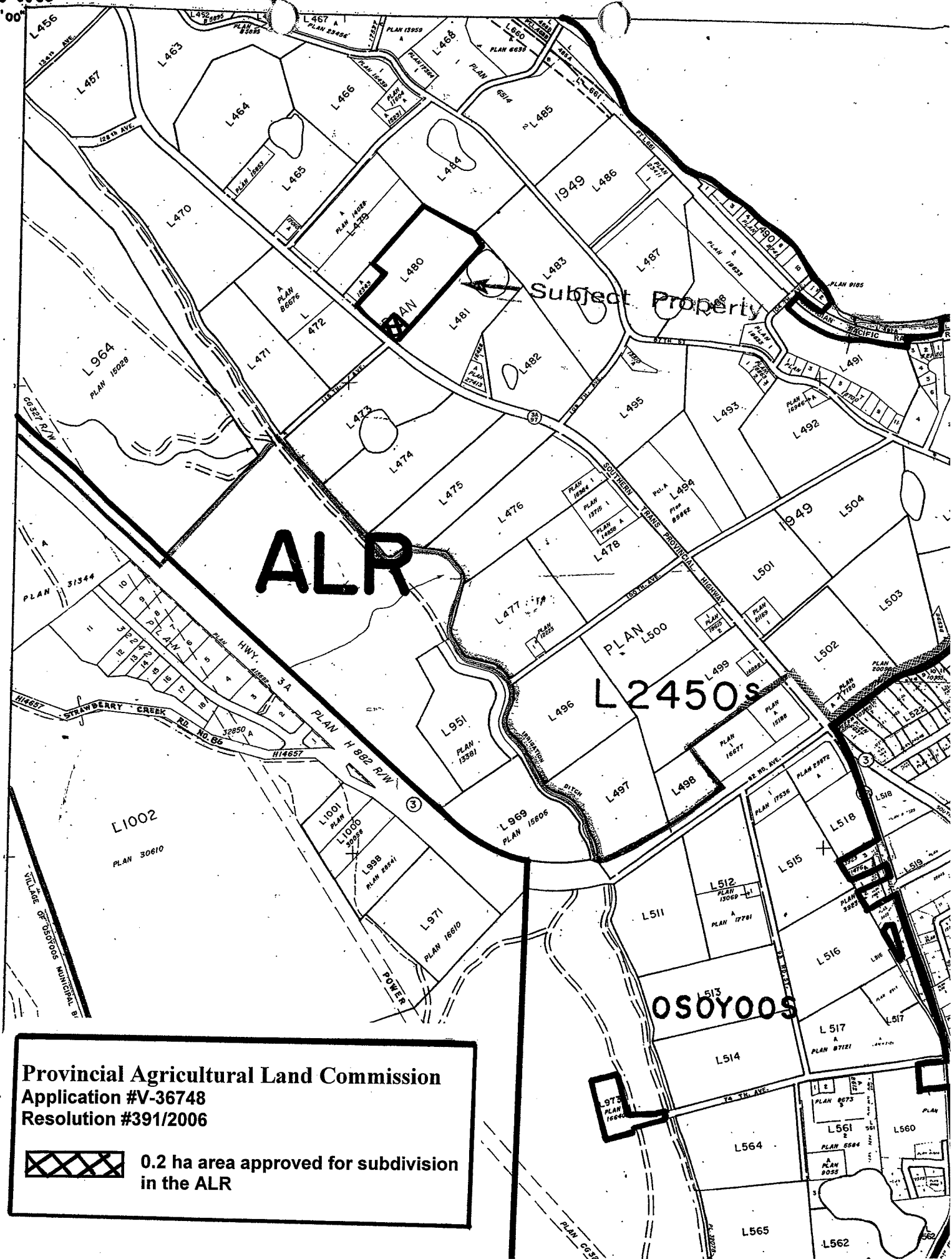
A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a white background.

Erik Karlsen, Chair

cc: Regional District of Okanagan-Similkameen - A06-06039-000

BR/eg/Encl.: Minutes
Sketch Plan

119° 30' 00"
49° 03' 00"




ALR

Subject Property

L2450S

OSOYOOS

Provincial Agricultural Land Commission
Application #V-36748
Resolution #391/2006

 0.2 ha area approved for subdivision
in the ALR

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on August 1, 2006 at the Ministry of Agriculture and Lands office located at 4607 - 23rd Street, Vernon, BC.

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

For Consideration

Application # V – 36748
Applicants Jose & Madalina Trovao
Proposal To subdivide a 0.4 ha lot from the southwest corner of the subject property under the *Homesite Severance Policy*.
Legal Lot 480, District Lot 2450's, Similkameen Division Yale District, Plan 1949, Except That part thereof included within the boundaries of Plan 12343
Location 11605 – 97th Street, north of Osoyoos

Site Inspection

A site inspection was conducted on July 31, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey and Sid Sidhu
- Staff: Brandy Ridout
- Applicant: Jose Trovao

Mr. Trovao confirmed that he had received the staff report dated July 7, 2006 and did not identify any errors.

Discussion

A letter from John R. Cooper Law Corporation was provided with the application indicating that a title search was completed and that the Trovao's have been the owners of the subject property since the date of the execution of their Right to Purchase (Agreement for Sale), namely October 24, 1969.

Although the applicants qualify for the subdivision of a homesite lot under the *Homesite Severance Policy*, the Commission was concerned that the subdivision of a 0.4 ha lot, as requested, would negatively affect the agricultural capability of the remainder. Therefore, the Commission would only allow the subdivision of an approximately 0.2 ha homesite lot that would include the house, septic field and trees adjacent to the house.

IT WAS

MOVED BY: Commissioner Irvine
SECONDED BY: Commissioner McCoubrey

THAT the application be refused as proposed

AND THAT the Commission would approve an approximately 0.2 ha lot subject to the following conditions:

- the subdivision be in substantial compliance with the attached sketch,
 - the construction of a fence and installation of a vegetative buffer around the new homesite 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 #391/2006



Staff Report
Application # V – 36748
Applicant: Jose & Madalina Trovao
Location: north of Osoyoos

DATE RECEIVED: June 8, 2006

DATE PREPARED: July 7, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To subdivide a 0.4 ha lot from the southwest corner of the 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 signed an agreement for sale with the previous owners in 1969. The transfer of title was achieved in 1980. Although the applicants did not purchase the property outright in 1969, they were living on and working towards purchasing the property prior to the establishment of the *Agricultural Land Commission Act*, and therefore qualify for consideration under *Homesite Severance Policy*.

One previous application has been considered on the subject property. In 1980 the Commission allowed the construction of a second dwelling as per Resolution #585/80.

Local Government:

Regional District of Okanagan-Similkameen

Legal Description of Property:

Lot 480, District Lot 2450's, Similkameen Division Yale District, Plan 1949, Except That part thereof included within the boundaries of Plan 12343

Purchase Date (Agreement for sale date):

October 24, 1969

Location of Property:

11605 – 97th Street, north of Osoyoos

Size of Property:

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

BACKGROUND INFORMATION (continued):

Present use of the Property:

Orchard with two residences

Surrounding Land Uses:

NORTH: 2 ha orchard property
WEST: Highway #97, 2 ha farm property
SOUTH: 4 ha orchard
EAST: 4 ha 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 OCP Bylaw No. 2260 (2004)
Designation: Agriculture

Zoning Bylaw and Designation:

Osoyoos Rural Zoning Bylaw No. 2261 (2004)
Designation: AG2
Minimum lot size: 4 ha
The bylaw permits a minimum parcel size of 0.4 ha for a homesite severance with no community water or sewer servicing.

PREVIOUS APPLICATIONS:

Application #10153-0

Applicant: Jose & Madalina Trovao
Decision Date: 1980
Proposal: To construct a second permanent dwelling on the property
Decision: Allow as proposed, subject to the original dwelling being used for farm help

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The Regional District of Okanagan Similkameen: Forwarded the application without comment, as per policy.

Electoral Area 'A' APC: Forwarded the application with a recommendation of support.

STAFF COMMENTS:

Staff recommends that the Commission consider the following;

- The applicants appear to qualify for consideration under *Homesite Severance Policy* because they have provided documentation indicating that they began purchasing the property in 1969.

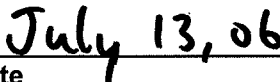
STAFF COMMENTS (continued):

- The proposed homesite lot is slightly larger than the 0.2 ha that the Commission prefers. A site inspection will ascertain whether a smaller parcel is feasible.
- The subdivision will separate the larger, primary home from the parcel. It is likely that any subsequent purchaser will construct a new home away from the highway nearer to the back of the property.

END OF REPORT



Signature



Date