



**Agricultural Land Commission**  
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December 21, 2006

Reply to the attention of Brandy Ridout  
ALC File: #V - 37027

Jim Ortiz  
484 Main Street  
Penticton, BC V2A 5C5

Dear: Mr Ortiz

Re: Application to subdivide land within the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 654/2006 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Please carefully review the attached Homesite Severance Policy, in particular Sections 3 and 6, and ensure that all of the conditions of approval have been completed prior to (or concurrent with) sending 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: City of Penticton (#ALR-06-7886)

MC/lv/Encl.: Minutes/Sketch Plan /Homesite Severance Policy  
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## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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**A meeting was held by the Provincial Agricultural Land Commission on December 12, 2006 at Naramata, B.C.**

**PRESENT:** Sue Irvine  
Sharon McCoubrey  
Sid Sidhu  
Martin Collins

Chair, Okanagan Panel  
Commissioner  
Commissioner  
Staff

### **For Consideration**

Application: # V- 37027  
Applicant: John and Margaret Light  
Proposal: To subdivide a 0.5 ha lot from the 3.5 ha subject property under the Homesite Severance Policy.  
Legal: PID: 010-735-020  
Lot 1, District Lot 199, Similkameen Division of Yale District, Plan 3767;  
Location: 982 Three Mile Road

### **Site Inspection**

A site inspection was conducted on Tuesday December 12, 2006. Those in attendance were:

- Commissioners Irvine, McCoubrey and Sidhu
- Staff: Martin Collins
- John Light, Jim Ortiz

The Commissioners viewed the 3.5 ha property noting that it was affected by severe topography, and that about half (part of which was a cultivated hilltop, the other part a ravine) lay outside the ALR. Mr. Light indicated that he had a buyer for the remainder, which was to be cultivated in grapes.

Mr. Light confirmed that the staff report dated Dec. 4, 2006 was received and no errors were identified.

### **Context**

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

The Act provides processes for landowners, local governments and First Nations to apply to the Commission to remove land from the ALR, to subdivide land, or to use land in the ALR for non-farm purposes.

**Discussion**

In assessing agricultural capability, the Commission confirmed that the land had good capability for agriculture (being comprised of deep silts), though having some topographic limitations due to steep slopes. The Commission did not believe that any external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture.

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission believed that the subdivision of the 0.5 ha lot was somewhat excessive given the relatively limited size of the arable area on the parcel, and in the context of similar Homesite Severance subdivisions in the south Okanagan.

The Commission also noted that a portion of the proposed 0.5 ha homesite lot included a narrow, flatter area adjacent to Three Mile Rd. It was the Commission's view that this 0.2 ha area should be retained with the parent "agricultural" parcel because it could be cultivated. The Commission believed that a panhandle would provide legal access to Three Mile Rd., and the existing driveway could be protected by an easement.

**IT WAS**

**MOVED BY:** Commissioner Sid Sidhu

**SECONDED BY:** Commissioner Sue Irvine

THAT the application to subdivide a 0.5 ha lot under Homesite Severance Policy be refused as proposed on the grounds a 0.5 ha lot would reduce the agricultural capability of the remnant by an excessive amount. However, the Commission allowed the subdivision of a lot no larger than 0.3 ha with panhandle access to Three Mile Rd. under the provisions of Homesite Severance Policy;

AND THAT the approval is subject to the following conditions:

- the preparation of a subdivision plan to delineate the area to be subdivided as per the attached plan ,
- the construction of a fence to limit trespass as noted on the attached plan,
- the planting of vegetation for buffering on the property boundary(s) noted on the attached plan,
- compliance with sections 3 and 6 of the Homesite Severance Policy

AND THAT the approval is granted to the applicant only.

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 # 654/2006**





**Staff Report**  
**Application # V – 37027**  
**Applicant: John and Margaret Light**  
**Agent: Jim Ortiz**

**DATE RECEIVED:** October 23, 2006

**DATE PREPARED:** December 4, 2006

**TO:** Chair and Commissioners – Okanagan Panel

**FROM:** Brandy Ridout, Land Use Planner

**PROPOSAL:** To subdivide a 0.5 ha lot from the 3.5 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:**

**Local Government:**

The Corporation of the City of Penticton

**Legal Description of Property:**

PID: 010-735-020  
Lot 1, District Lot 199, Similkameen Division Yale District, Plan 3767

**Purchase Date:**

July 1949  
Title supplied with application is dated 1984. Agent will provide 1949 title as soon as possible.

**Location of Property:**

982 Three Mile Road

**Size of Property:**

3.5 ha (Approximately half the entire property is in the ALR).

**Present use of the Property:**

Residence and outbuildings (0.5 ha) and orchard (2 ha). The remaining 1.3 ha portion of the property consists of steep clay bluffs and unused steep slopes.

**BACKGROUND INFORMATION (continued):**

**Surrounding Land Uses:**

**WEST:** Vineyard to be planted  
**SOUTH:** Orchard  
**EAST:** Vineyard to be planted  
**NORTH:** Orchard

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82E.053  
The majority of the property in the ALR is identified as having Prime Dominant ratings.

**Official Community Plan and Designation:**

OCP Bylaw No. 20 (2002)  
Designation: AG

**Zoning Bylaw and Designation:**

Zoning: Bylaw No. 87 (1965)  
Designation: A - Agriculture  
Minimum Lot Size: 2 ha

**PREVIOUS APPLICATIONS:**

The property was considered as part of the Skaha Lake ALR Review in 1981.

**RELEVANT APPLICATIONS:**

Application #34691-0

**Applicant:** Patrick & Mary Slaney  
**Decision Date:** February 28, 2003  
**Proposal:** To develop a 6 metre wide access easement (0.2 ha) through the ALR portion of the parcel to access the non-ALR portion of the parcel. The applicants are planning to subdivide the property along the ALR boundary, which does not require an application to the Commission. The easement will follow the existing gravel access road and part of the existing easement.  
**Decision:** Allowed, noting that the land lying outside the ALR had better agricultural capability than the land lying inside the ALR.

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Application #37026-0

**Applicant:** Istvan and Kirsten Sara  
**Proposal:** To subdivide a 0.6 ha lot from the 3.8 ha subject property under the *Homesite Severance Policy*.  
**Decision:** Currently under consideration

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**City of Penticton Council:** Forwarded the application with a recommendation of support.

**Agricultural Advisory Committee:** Recommends that the application be referred with support. The Committee noted reservations over the potential loss of farmland over the new portion due to potential residential development.

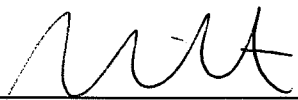
**STAFF COMMENTS:**

- A site visit will allow the Commission to evaluate the impact subdivision would have on the agricultural remainder.
- The applicant needs to provide evidence of owning and living on the property since December 21, 1972 in order to qualify for consideration under the *Homesite Severance Policy*.
- As part of the subdivision proposal, access to the remainder lot will need to be considered – at present it appears that the only reasonable access is through the existing driveway to the homesite.

**ATTACHMENTS:**

- ALR Base Map #82E/12 (1:50,000)
- ALR Constituent Map #10 (1:10,000)
- Sketch of proposed subdivision
- Airphoto with proposed lot outlined

**END OF REPORT**

  
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Signature

Dec 4, 2006  
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Date