



**Agricultural Land Commission**  
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February 27, 2007

Reply to the attention of Brandy Ridout  
ALC File: #V-37093

Peter Strickler  
c/o Bernice Greig  
#100 – 166 Main Street  
Penticton, BC V2A 5B4

Dear Sir:

**Re: Application to Include land into the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 23/2007 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: The Corporation of the City of Penticton (#ALR-06-8121)  
Garbine Astigarraga c/o Bernice Greig, #100-166 Main Street  
Penticton, BC V2A 5B4

Enclosure: Minutes/Sketch Plan

MC/lv/37093d1





## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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A meeting was held by the Provincial Agricultural Land Commission on February 12, 2007 at Salmon Arm, B.C.

<b>PRESENT:</b>	Sue Irvine	Chair, Okanagan Panel
	Sharon McCoubrey	Commissioner
	Sid Sidhu	Commissioner
	Jennifer Carson	Staff
	Martin Collins	Staff

### For Consideration

Application: # V - 37093  
Applicant: Peter Strickler  
Proposal: To include the south western portion of the subject property into the ALR to meet a condition of Agricultural Land Commission Resolution #311/2006.  
Legal: PID: 005-673-437  
Lot 1, District Lot 190, Similkameen Division of Yale District, Plan 9392, EXCEPT Plans 14851, 22681, B9184;  
Location: 75 Brantford Avenue, Penticton

### Site Inspection

No site inspection was conducted on February 2007. The Commission recalled its site inspection of June 27, 2006.

### 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.

### Discussion

#### **Assessment of Agricultural Capability and Suitability**

The Commission, recalled its June 21, 2006 site visit and decision, and further recalled that the 0.4 ha non-ALR area under application could be re-contoured and improved for agriculture (as have properties in the area). It appears that the land was not included originally into the ALR because of unfavorable topography.

### **Conclusions**

1. That the land under application has agricultural capability and with re-contouring is suitable for agricultural use.
2. That the inclusion proposal is consistent with the objectives of the *Agricultural Land Commission Act* to preserve agricultural land and encourage farming.

### **IT WAS**

**MOVED BY:** Commissioner Sid Sidhu

**SECONDED BY:** Commissioner Sharon McCoubrey

THAT the application to include 0.4 ha into the Agricultural Land Reserve be approved.

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 # 23/2007**



**Staff Report**  
**Application # V – 37093**  
**Applicant: Garbine Astigarraga**  
**Agent: Steve Buziekevitch**

**DATE RECEIVED:** November 29, 2006

**DATE PREPARED:** January 10, 2007

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

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

**PROPOSAL:** To include the south western portion of the subject property into the ALR to meet a condition of Agricultural Land Commission Resolution #311/2006.

This application is made pursuant to section 17 of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

Under application #V-36720, the applicant requested to undertake 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. The application was approved subject to several conditions, one of which was the inclusion of the non-ALR portion of the 2.6 ha property. This condition was required because 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.

**Local Government:**

The City of Penticton

**Legal Description of Property:**

PID: 005-673-437

Lot 1, District Lot 190, Similkameen Division Yale District, Plan 9392, Except Plans 14851, 2681, B9184

**Purchase Date:**

April 2003

**Location of Property:**

75 Brantford Avenue, Penticton

**Size of Property:**

2.6 ha (Approximately 2 ha are in the ALR).

**BACKGROUND INFORMATION (continued):**

**Present use of the Property:**

Planted as a vineyard, except for the southwesterly portion of the property which is a steep hillside and an undeveloped ravine.

**Surrounding Land Uses:**

**WEST:** Mixed Agricultural/Residential  
**SOUTH:** Mixed Agricultural/Residential  
**EAST:** Mixed Agricultural/Residential  
**NORTH:** Agricultural

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82E.043  
The non-ALR portion of the property is identified as having mixed prime and secondary ratings.

**Official Community Plan and Designation:**

OCP: Bylaw No. 20 (2002)  
Designation: AG

**Zoning Bylaw and Designation:**

Zoning: Bylaw No.87-65  
Designation: "A", Minimum Lot Size: 2 ha

**PREVIOUS APPLICATIONS:**

**Application #36720-0**

**Applicant:** Garbine Astigarraga  
**Decision Date:** June 28, 2006  
**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.  
**Decision:** Allowed - the proposed boundary line adjustment would provide a benefit to agriculture in that the whole vineyard would be on one title. Subject to fencing, buffering and inclusion of the non-ALR portion of the property.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

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

**Agricultural Advisory Committee:** Support.

**ATTACHMENTS:**

- ALR Base Map #82 E/5 (1:50,000)
- ALR Constituent Map #11&12 (1:10,000)
- Air photo (1:5,000)

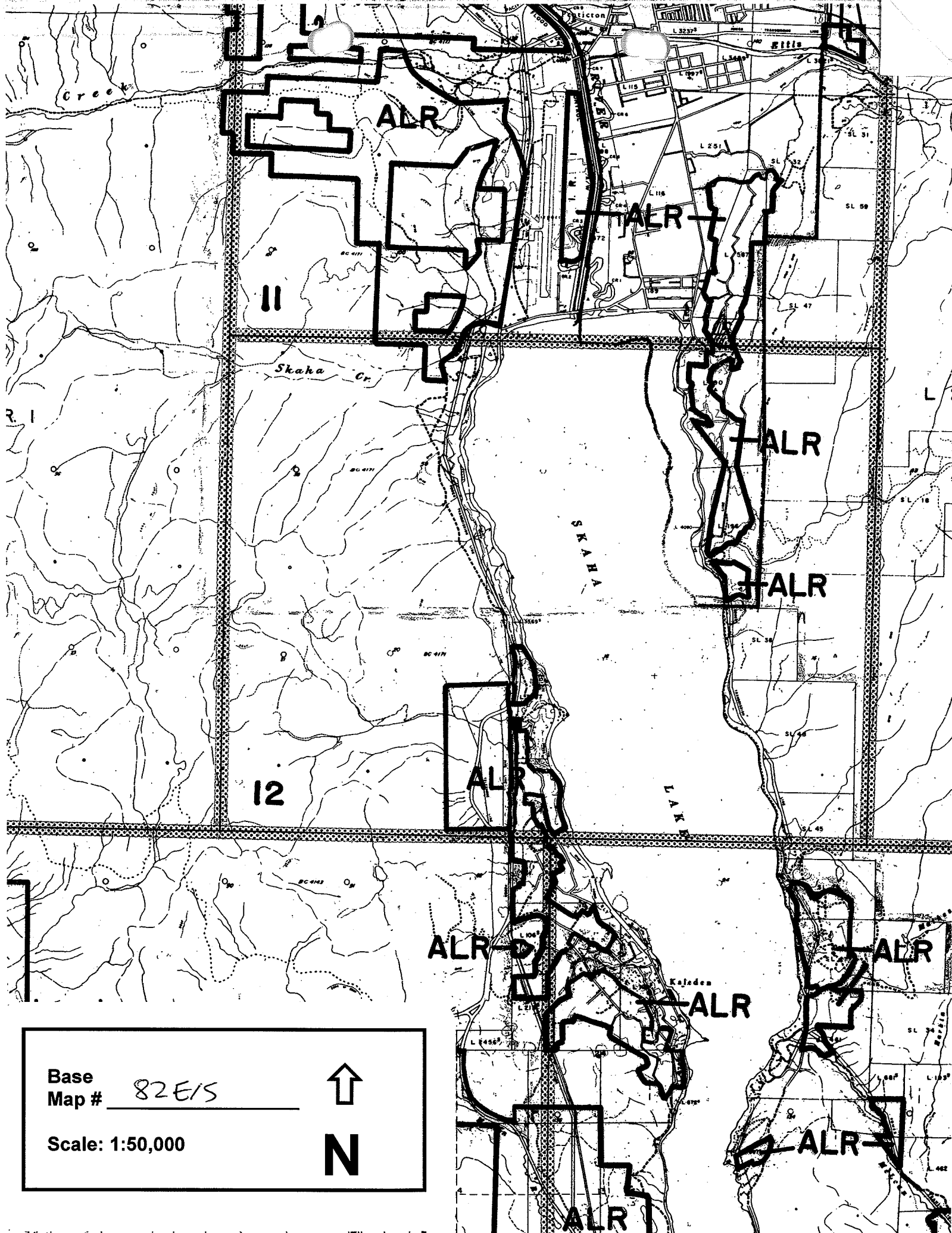
**END OF REPORT**

Signature

Date



Jan 10, 07



Base Map # 82E15



Scale: 1:50,000

**N**