



Agricultural Land Commission
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April 12, 2007

Reply to the attention of Brandy Ridout
ALC File: #V - 37230

Cal Szel
RR1 - Site 4, Comp 2
Naramata, BC V0H 1N0

Dear Mr. Szel:

Re: Application to subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 102/2007 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

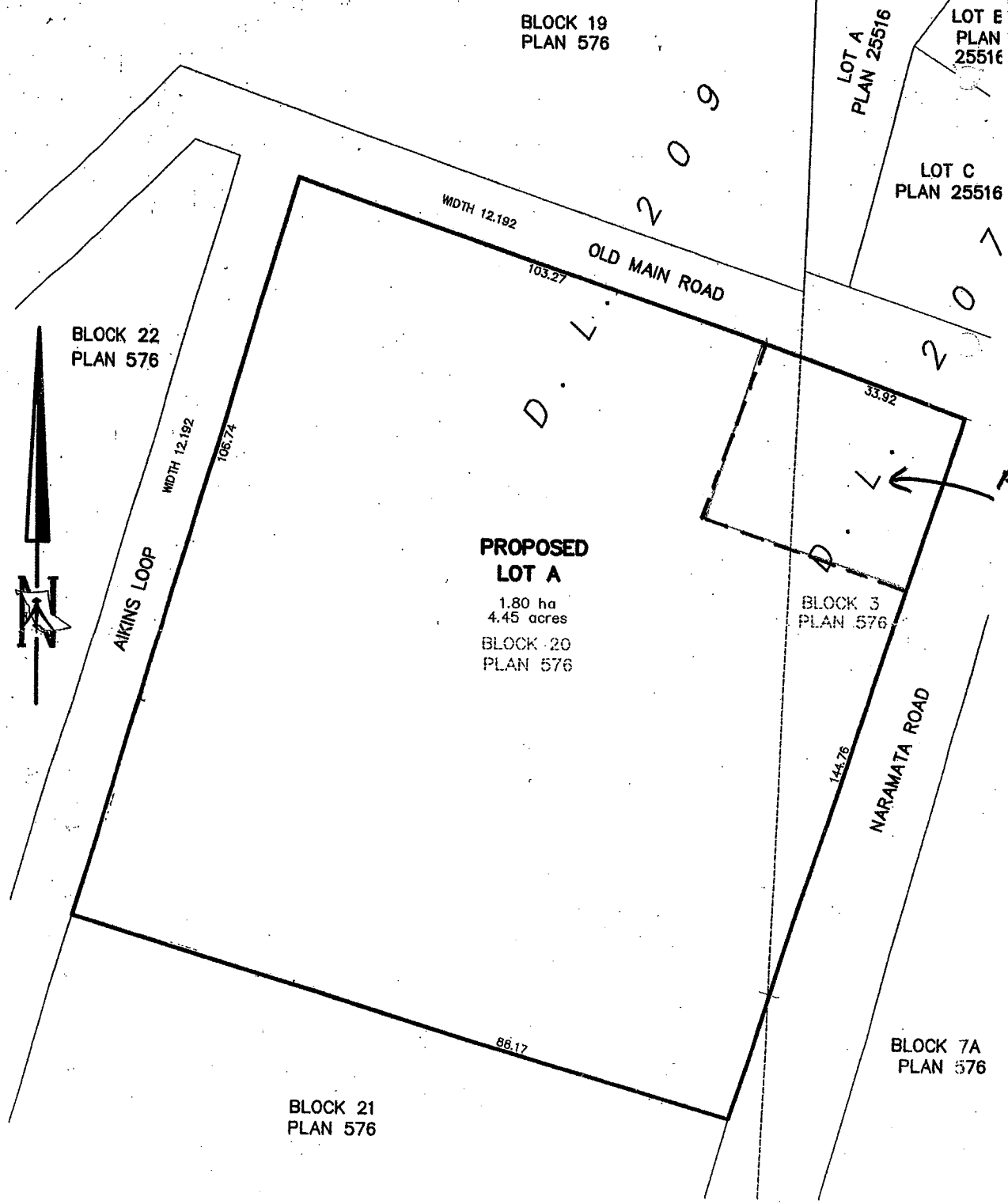
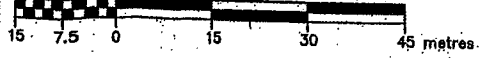
cc: Regional District of Okanagan-Similkameen (02076-000, 02139-000)

Enclosure: Minutes/Sketch Plan

BR/lv
37230d1

**SKETCH PLAN SHOWING PROPOSED LOT LINE ADJUSTMENT
OF BLOCK 20, PLAN 576, D.L. 209, and BLOCK 3, PLAN 576,
except PLAN H16696, D.L. 207, ALL OF S.D.Y.D.**

SCALE 1:750



APPROVED
± 0.2 ha CO

ALL DIMENSIONS ARE IN METRES AND DECIMALS THEREOF
UNLESS OTHERWISE NOTED

STEVEN J. BUZIKIEVICH
PROFESSIONAL LAND SURVEYOR
54 NANAIMO AVE. E.
PENTICTON, B.C.
Phone: (250)492-0559 Fax: (250)492-9851
FILE 06-140A
DWG. 06-140A

APPLICATION # V-37230 RESOLUTION # 102/2007

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/Suitability

In assessing agricultural capability and suitability, the Commission believed the land to have very good agricultural capability and suitability based on its existing cultivation as a cherry orchard and the fact that the surrounding lands were largely used for agricultural purposes and were similar in size.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the applicant's favored proposal against the long term goal of preserving agricultural land. The Commission believes the favored site might negatively impact the adjoining winery operation by precipitating conflicts in the long term. The Commission believes that the appropriate location of the 0.2 ha lot is in its present location adjacent to Naramata Rd., utility services, and existing residences.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the preferred site for the 0.2 ha lot in the southwest corner of the property has potential to negatively impact the agricultural operation to the south.
4. The northeastern location of the lot is the most suitable location because it is adjacent to existing residences and services.

IT WAS

MOVED BY: Commissioner Sidhu
SECONDED BY: Commissioner Marshall

THAT the application be refused as proposed, the Commission would allow a squared off 0.2 lot in the current location on the grounds that the impact on surrounding agriculture would be minimized.

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the attached plan
- the subdivision must be completed within three (3) years from the date of this decision.

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 # 102/2007



**Staff Report
Application # V – 37230
Applicant: Margaret Szel
Agent: Cal Szel
Location: Naramata**

DATE RECEIVED: February 8, 2007

DATE PREPARED: March 7, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To adjust the boundaries between a 1.8 ha lot and a 0.2 ha lot to create a 0.2 ha lot with a more suitable building site and a 1.8 ha remainder.

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

BACKGROUND INFORMATION:

The applicant wishes to build a retirement home on the proposed new 0.2 ha lot.

The report provided by Regional District of Okanagan-Similkameen staff indicates that the property is comprised of two titles as a result of the location of the boundary line between District Lots 207 and 209 vis-à-vis the alignment of Rounds Road when the original Plan of Subdivision was prepared in March 1909. Despite being comprised of two titles, the property has generally been considered as a single parcel in terms of agricultural utilization for most of the last century.

Local Government:

Regional District of Okanagan-Similkameen

Legal Description of Properties:

1. PID: 012-219-037
Lot 3, District Lot 207, Similkameen Division Yale District, Plan 576, EXCEPT Plan H16696
2. PID: 012-218-138
District Lot 209, Block 20, Similkameen Division Yale District, Plan 576, EXCEPT Plan H16696

Purchase Date:

February 1974

Location of Properties:

1024 Old Main Road, Naramata

BACKGROUND INFORMATION (continued):

Size of Property:

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

Present use of the Property:

Block 20 - Residence and garage, Block 3 - Vacant

Surrounding Land Uses:

WEST: Agricultural
SOUTH: Agricultural and Rural Residential
EAST: Agricultural
NORTH: Agricultural

Agricultural Capability:

Data Source: Agricultural Capability Map #82E/12
The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

Naramata OCP Bylaw No. 1406 (1993)
Designation: Farmland and Low Density Residential 2

Zoning Bylaw and Designation:

Zoning Bylaw No. 1566 (1995)
Designation: Agriculture (AG) Zone, Minimum Lot Size: 4 ha

RELEVANT APPLICATIONS:

Application #00857-0

Applicant: D.A. Thievin
Decision Date: April 14, 1976
Proposal: To subdivide the 1.9 ha property into one lot of 0.3 ha and one lot of 1.6 ha.
Decision: Allowed subject to the consolidation of the 1.6 ha lot with adjacent Lot 20.

Application #37256-0

Applicant: Shaw, Henry and Mary
Decision Date: Currently before the Commission.
Proposal: To adjust the boundaries between the three subject properties (0.074 ha, 0.456 ha and 1.86 ha) to create two lots (1.4 ha and 1 ha), correct a building encroachment, and enable the construction of a new home on the proposed 1.4 ha lot.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District of Okanagan-Similkameen (RDOS): No comments or recommendations, as per policy.

RDOS Development Services Department staff: Planning Services concurs with the applicant's assessment as to the limitations presented by Lot 3 (not farmable independent of Lot 20 and not practical to build on), however, in light of the OCP's intent to protect designated farmland within the Electoral Area, the preferred outcome would be a consolidation of the two titles into a single legal parcel.

STAFF COMMENTS:

- Block 3 appears to be large enough on which to construct a house and septic field. As such, the construction of a house on the proposed Lot B would have a neutral effect on agriculture on the property.
- If the house was constructed on Block 3, rather than the proposed lot, it would potentially have less of an impact on surrounding agriculture as it would be separated from other agricultural operations by two roads.

ATTACHMENTS:

- ALR Base Map #82E/12
- Constituent Map #8
- Sketch Plan showing proposal
- Map of surrounding properties
- RDOS Development Services Department staff report
- Air photo

END OF REPORT



Signature



Date