



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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December 17, 2008

Reply to the attention of Brandy Ridout  
ALC File: **V-38603**

Wendy Kurr  
Village of Keremeos  
PO Box 160  
Keremeos, BC, V0X 1N0

Dear Ms. Kurr:

**Re: Application to Subdivide Land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution #808/2008 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly.

Please send two (2) paper prints of the final survey plans to this office and the Commission will authorize the Registrar of Land Titles to accept registration.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in blue ink, appearing to read 'Erik Karlsen', is written over the 'Per:' label.

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: Regional District of Okanagan-Similkameen (G08-01200-500)  
BC Assessment, Penticton

BR/  
i/38603d1



A meeting was held by the Provincial Agricultural Land Commission on December 15, 2008 by conference call.

<b>PRESENT:</b>	Roger Mayer	Chair, Okanagan Panel
	Sid Sidhu	Commissioner
	Gerald Zimmermann	Commissioner
	Brandy Ridout	Staff

**For Consideration**

Application: # V-38603  
 Applicant: Joseph & Mary Anne Nitsch  
 Agent: Town of Keremeos  
 Proposal: To do a boundary line adjustment between the 10.9 ha subject property and the 1.6 ha lot containing the Village of Keremoes' cemetery - adding the 0.1 ha triangular portion of the 10.9 ha lot that is separated from the remainder of the property by the cemetery to the 1.6 ha lot.  
 Legal: 1. PID: 026-808-391  
           Lot 5, District Lot 107, Similkameen Division Yale District, Plan KAP81896  
        2. PID: 016-449-762  
           Lot 1, District Lot 107, Similkameen Division Yale District, Plan 43608  
 Location: 1124 Highway 3A, just south of Liddicoat Road

**Site Inspection**

A site inspection was conducted on December 10, 2008. Those in attendance were:

- Roger Mayer           Chair, Okanagan Panel
- Wendy Kurr           Village of Keremeos

Ms. Kurr confirmed that the staff report dated December 5, 2008 was received and no errors were identified.

**Commissioner Eligible to Vote**

Commissioners Sidhu and Zimmermann were not present at the site inspection. It was confirmed that a summary of the site inspection was provided thus establishing the Commissioners' eligibility to vote on the application.

**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**

The agricultural capability of the soil of the subject property is Class 3 with limitations of stoniness and soil moisture deficiency. Class 3 land has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

### **Assessment of Agricultural Suitability**

The Commission assessed whether factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission noted that the 0.1 ha area being proposed to be added to the cemetery is small and is divided from the rest of the farm by the cemetery lot, its suitability for agricultural use is challenged.

### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission did not believe the proposal would impact existing or potential agricultural use of the subject property or surrounding lands. It also believed that if the area was used for cemetery expansion, future expansion would not be requested on the more suitable lands to the south and east of the cemetery.

## **Conclusions**

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application has challenges to its suitability for agricultural use due to its small size and separation from the remainder of the farm unit.
3. That the proposal will not have a negative impact on agriculture.

## **IT WAS**

**MOVED BY:** Commissioner Mayer

**SECONDED BY:** Commissioner Sidhu

THAT the application to do a boundary line adjustment between the 10.9 ha subject property and the 1.6 ha lot containing the Village of Keremoes' cemetery - adding the 0.1 ha triangular portion of the 10.9 ha lot that is separated from the remainder of the property by the cemetery to the 1.6 ha lot be approved.

AND THAT approval for the cemetery use of the 0.1 ha portion is granted for the sole benefit of the Town of Keremeos and is non-transferable.

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 #808/2008**





**Provincial Agricultural Land Commission**  
Application #V-38603  
Resolution #808/2008



0.1 ha area approved for  
consolidation with cemetery lot