



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

April 7, 2010

Reply to the attention of Brandy Ridout  
ALC File: 51387

Jean Yuen  
Boughton Law Corporation  
700-595 Burrard Street  
Vancouver, BC V7X 1S8

Dear Ms. Yuen:

**Re: Application for Subdivision in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution #2355/2010 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly.

Upon receipt of two (2) paper prints of the final survey plans, this office will authorize the Registrar of Land Titles to accept registration of the plans.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the printed name below.

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: Town of Osoyoos (File # A09-03), PO Box 3010, Osoyoos, BC V0H 1V0

BR/  
51387d1



# MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

**A meeting was held by the Provincial Agricultural Land Commission on March 16, 2010 at the Ministry of Agriculture and Lands Office, located at 200-1690 Powick Road, Kelowna, B.C.**

<b>PRESENT:</b>	Roger Mayer	Chair, Okanagan Panel
	Gerry Zimmermann	Commissioner
	Brandy Ridout	Staff
	Martin Collins	Staff

### For Consideration

Application: 51387  
 Applicant: Osoyoos Indian Band Holdings Corporation (Chris Scott)  
 Agent: Boughton Law Corporation (Jean Yuen)  
 Proposal: To dedicate 1 ha of ALR for road right of way from three approximately 4 ha properties. The road right of way is being requested to be dedicated to the Town of Osoyoos prior to the addition of the three properties to the Osoyoos Indian Band (OIB) Reserve as it is much easier to dedicate roads under the provincial land survey system than under the Indian Act. Approximately 0.4 ha of existing road right of way is proposed to be decommissioned. The 1,184 square metre portion of 45th Street proposed for decommissioning on the Metzler property will not affect the road, merely transfer jurisdiction for ownership and maintenance to the OIB. However, no indication is provided as to whether the decommissioned right of way on the Kalkat property will be rehabilitated to an agricultural standard or maintained as road.

Legal:

1. Lot 5B District Lot 43 Similkameen Division Yale District Plan 19858 Except Plans 17468 and KAP64956  
PID: 011-381-744
2. Lot 4, District Lot 41, SDYD (Similkameen Div of Yale District), Plan 2824, EXCEPT Plan 15058  
PID: 010-980-661
3. Lot 1 District Lot 41 Similkameen Division Yale District Plan 33275  
PID: 003-215-326

Location: Osoyoos

### Meeting

A meeting was conducted on March 16, 2010 at the Ministry of Agriculture and Lands Office, located at 200-1690 Powick Road, Kelowna, BC. Those in attendance were:

- Roger Mayer                      Chair, Okanagan Panel
- Gerry Zimmermann            Commissioner
- Brandy Ridout                   Staff
- Martin Collins                   Staff
- Chris Scott                      COO, Osoyoos Indian Band Holdings Corporation

Mr. Scott confirmed that the staff report dated February 22, 2010 was received and no errors were identified. It was indicated that the road on the Metzler property may be a standalone lot rather than a road right of way because of issues with easements.

### **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**

The Commission recalled the Memorandum of Agreement dated September 11, 2006 between the Commission and the Osoyoos Indian Band (OIB) that recognized a consultation process for addition of ALR lands to the OIB Reserve and preserved 100 acres of (unspecified) OIB Reserve land for agricultural purposes. As a part of the consultation process, the Commission did not object to the addition of the three subject properties to the Osoyoos Indian Band Reserve. The properties were then purchased by the OIB with the Haynes Claim Settlement funds. When the properties are added to the OIB Reserve, ALR land use restrictions will no longer apply.

The Commission understood that the road right of way was being requested to be dedicated to the Town of Osoyoos prior to the addition of the three properties to the OIB Reserve as it is much easier to dedicate roads under the provincial land survey system than under the Indian Act. It also understood that the subject properties are in the process of being added to the OIB Reserve.

### **IT WAS**

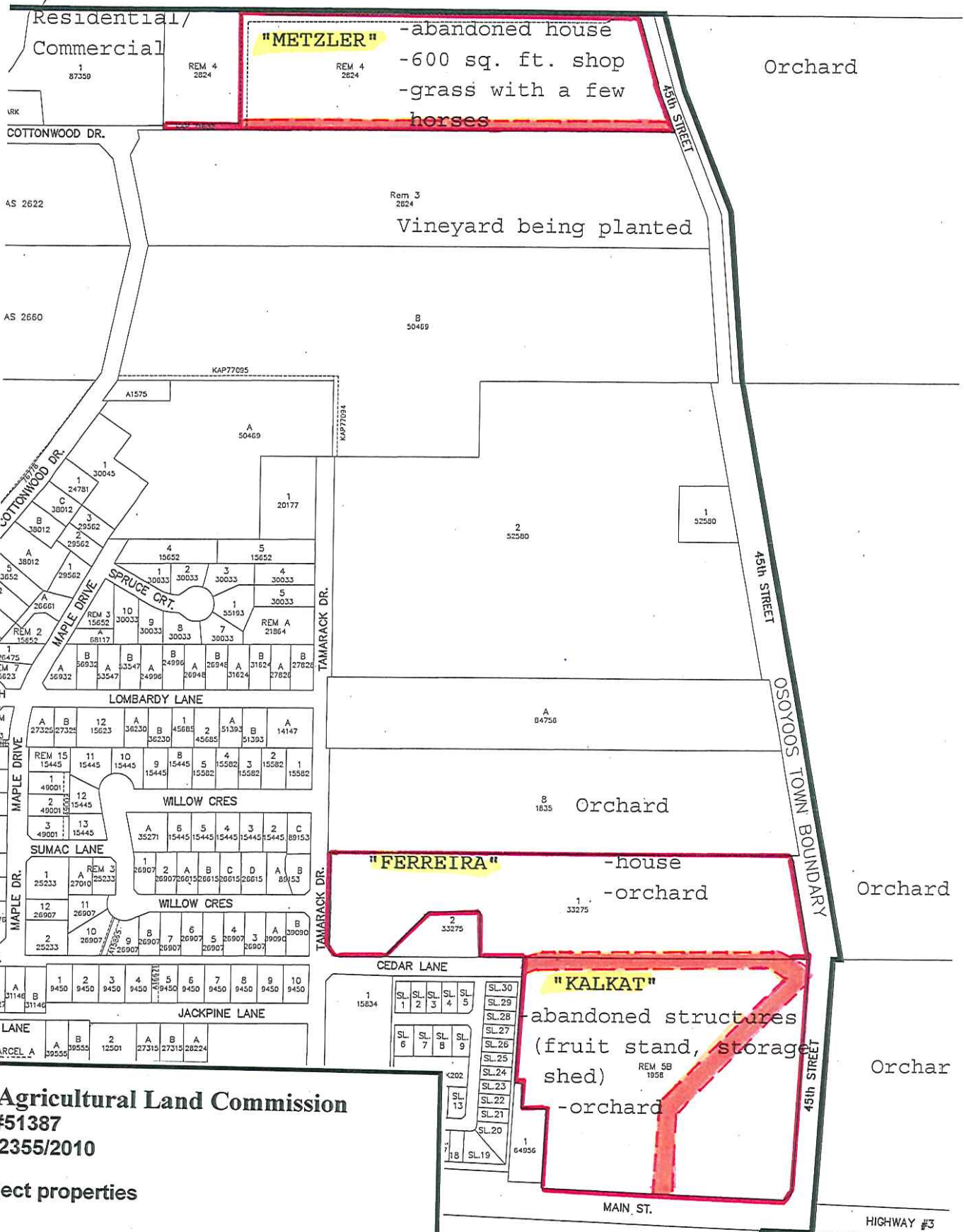
**MOVED BY:** Commissioner Mayer  
**SECONDED BY:** Commissioner Zimmermann

THAT the application to dedicate 1 ha of ALR for road right of way from three approximately 4 ha properties 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. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

**CARRIED**  
**Resolution #2355/2010**

Osoyoos Indian Reserve #1



Provincial Agricultural Land Commission  
 Application #51387  
 Resolution #2355/2010

- Subject properties
- Area approved for road dedication/construction in the ALR