



## Agricultural Land Commission Staff Report

**DATE:** February 22, 2010  
**TO:** Vice Chair and Commissioners - Okanagan Panel  
**FROM:** Martin Collins

**RE:** Application # 51387

**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.

### PROPOSAL INFORMATION

**Background:** The ALC has agreed to the addition of the properties to the OIB Reserve.  
**Received Date:** January 25, 2010  
**Applicant:** Osoyoos Indian Band Holdings Corporation  
**Agent:** Boughton Law Corporation  
**Local Government:** Town of Osoyoos

### DESCRIPTION OF LAND

**PID:** 011-381-744  
**Legal Description:** Lot 5B District Lot 43 Similkameen Division Yale District Plan 19858 Except Plans 17468 and KAP64956  
**Civic Address:** "Kalkat"  
**Area:** 5 ha  
**ALR Area:** 5 ha  
**Purchase Date:** May 1, 2003  
**Owner:** Osoyoos Indian Band Holdings Corporation

**PID:** 010-980-661  
**Legal Description:** Lot 4, District Lot 41, SDYD (Similkameen Div of Yale District), Plan 2824, EXCEPT Plan 15058

**Civic Address:** "Metzler"  
**Area:** 3.8 ha  
**ALR Area:** 3.8 ha  
**Purchase Date:** December 22, 1999  
**Owner:** Osoyoos Indian Band Holdings Corporation

**PID:** 003-215-326  
**Legal Description:** Lot 1 District Lot 41 Similkameen Division Yale District Plan 33275  
**Civic Address:** "Ferreira"  
**Area:** 3.5 ha  
**ALR Area:** 3.5 ha  
**Purchase Date:** November 15, 2007  
**Owner:** Osoyoos Indian Band Holdings Corporation

**Total Land Area:** 12.3 ha  
**Total ALR Area:** 12.3 ha  
**Current Land Use:** Each of the three properties has a history of agricultural uses and contains home(s) and some miscellaneous farm structures.

## PROPOSAL DETAILS

### Surrounding Land Uses:

North Osoyoos Indian Reserve #1  
East Orchard  
South Main Street - Hwy # 3  
West Cottonwood /Tamarack/ Maple Drive - Residential

### Official Community Plan

**Bylaw Name:** Bylaw 1230, 2007  
**Designation:** Ag - Agriculture  
**OCP Compliance:** Yes

### Zoning

**Zoning Bylaw Name:** Zoning Bylaw #1085, 1998  
**Zoning Designation:** AG - Agricultural  
**Minimum Lot Size:**  
**Zoning Compliance:** Yes

## STAFF COMMENTS

- 1) The land proposed for road right of way has very good capability for agriculture and a long history of agricultural use.
- 2) No information is provided about future land uses for the affected ALR properties. It is possible that the land will be used for non-agricultural purposes.

- 3) Should the lands be added to the OIB Reserve, ALR land use restrictions will no longer apply.
- 4) The Commission did not object to the addition of these properties to the Reserve in 2006 and 2008. The properties were purchased by the OIB with the Haynes Claim Settlement funds. Please note the January 12, 2010 letter from Chief Clarence Louie.
- 5) A Memorandum of Agreement dated September 11, 2006 between the Commission and the OIB (attached) 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. It should be noted that one of the subject properties (the Ferriera property) was proposed for addition to the Reserve after the 2006 Memorandum of Agreement.

## **ATTACHMENTS**

51387\_ContextMap20k.pdf  
51387 air photo.pdf  
51387 proposal sketch.pdf  
51387 letter from Chief.pdf  
51387 MoA.pdf

## **END OF REPORT**

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**Signature**

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**Date**