



**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

December 3, 2010

Reply to the attention of Brandy Ridout  
ALC File: 51960

Helino & Elina Niskakoski  
9011 Gilman Road  
Summerland, BC V0H 1Z2

Dear Mr & Mrs. Niskakoski:

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

Please find attached the Minutes of Resolution # 2774/2010 outlining the Commission's decision as it relates to the above noted application. As proponent it is your responsibility to notify any affected landowner of the Commission's decision and provide him/her with a copy of the minutes.

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. It will also confirm for the Registrar the area included into the ALR.

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 blue ink, appearing to read 'BU', is written over the 'Per:' label.

Brian Underhill, Executive Director

Enclosure: Minutes/Sketch Plan

cc: District of Summerland

BR/51960d1



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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A meeting was held by the Provincial Agricultural Land Commission on November 25, 2010 in Kelowna, B.C.

<b>PRESENT:</b>	Roger Mayer	Chair, Okanagan Panel
	Jim Johnson	Commissioner
	Sylvia Pranger	Commissioner
	Brandy Ridout	Staff
	Martin Collins	Staff

### For Consideration

Application: #51960 (Congruent with ALC application #51959)  
Applicant: Heino & Elina Niskakoski  
Proposal: To include 0.56 ha of the subject property into the ALR in exchange for the exclusion of 0.15 ha of neighbouring Lot 17 (#51959) to create a required subdivision buffer, provide easier access to the orchard on Lot C and create better driveway access for Lots B & C.  
Legal: Lot C, District Lot 2196, Osoyoos Division Yale District Plan, KAP88164  
Location: 9011 Gilman Road, Summerland

### Site Inspection

A site inspection was conducted on November 25, 2010. Those in attendance were:

- Roger Mayer                      Chair, Okanagan Panel
- Jim Johnson                      Commissioner
- Sylvia Pranger                    Commissioner
- Brandy Ridout                    Staff
- Martin Collins                    Staff
- Heino Niskakoski                Applicant

The applicant confirmed that the staff report was received and no errors were identified.

The Commission viewed the property noting that the area proposed for inclusion was developed as an orchard and was separated from the non-ALR remainder by a deep ravine while the proposed exclusion area was not developed for agriculture and had rock outcroppings near the surface.

### 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**

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings.

The agricultural capability of the soil of the area of the subject property proposed for inclusion was interpreted using the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system as approximately half 80% Class 3 and 20% Class 2 and half 80% Class 6 and 20% Class 3 for tree fruits. The limiting subclasses are topography and aridity. The area is currently planted in orchard.

The agricultural capability of the soil of the area of Lot 17 proposed for exclusion is 70% Class 1, 20% Class 2, and 10% Class 3. The limiting subclasses are topography and aridity. The area is currently not used for agriculture.

- Class 1 – Land in this class either has no or only very slight limitations that restrict its use for the production of common agricultural crops.
- Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.
- Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.
- Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

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

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. During this assessment it considered the joint-proposal to exclude 0.15 ha of land on the adjacent property. It also considered that a deep ravine on Lot C provides a significant impediment to accessing the existing orchard from that lot and that through inclusion and consolidation of the orchard with Lot 17, access would be more practical. It believed that as the area proposed for inclusion is currently developed as an orchard and the exclusion of the proposed 0.15 ha would not restrict future agricultural practices on the remaining ALR parcel, the impact on agriculture of the exclusion/inclusion would be positive.

### **IT WAS**

**MOVED BY:** Commissioner Mayer  
**SECONDED BY:** Commissioner Johnson

THAT the application to include 0.56 ha of the subject property into the ALR in exchange for the exclusion of 0.15 ha of neighbouring Lot 17 (#51959) be allowed subject to:

- The preparation of a subdivision plan to delineate the area to be included and excluded per the drawing submitted with the application.
- 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. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

**CARRIED**  
**Resolution #2774/2010**

# ILC Approval Sketch

SKETCH PLAN TO ACCOMPANY SUBDIVISION APPLICATION  
 OF LOT C PL 88164 AND LOT 17 PL 218  
 scale 1: 1250  
 All Distances are in Meters

allow as proposed.

LOT 22  
 PL 2433

GILMAN RD.

RD.

LOT A  
 PL 88164

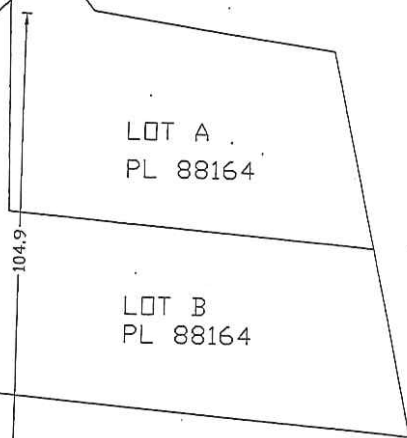
LOT B  
 PL 88164

LOT 13  
 PL 218

0.15 ha

Existing Property Line  
 To Be Removed

Consolidate with Lot C  
 0.156 ha



LOT 17  
 PL 218 4.4509 ha

LOT C  
 PL 88164 2.282 ha


1.5m Buffer


LOT 17  
 Area Existing = 40456m<sup>2</sup>  
 Area Less = 1562m<sup>2</sup>  
 Increased = 5609m<sup>2</sup>  
 Total New Area = 44509m<sup>2</sup>

LOT C  
 Area Existing = 26872 m<sup>2</sup>  
 Area Less = 5609m<sup>2</sup>  
 Increased = 1562m<sup>2</sup>  
 Total New Area = 22817m<sup>2</sup>

LOT 16  
 PL 218

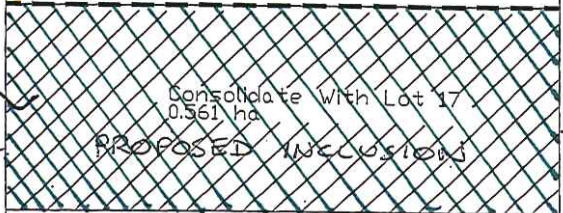
- ALC File #51960
- ALC File #51959

 - Allowed Inclusion  
 Resolution #2774/2010

 - Allowed Exclusion  
 Resolution #2773/2010



Existing Property Line  
 To Be Removed



0.56 ha

LOT 21  
 PL 218