



# Provincial Agricultural Land Commission - Staff Report

## Application: 51959

**Applicants:** Heino & Elina Niskakoski, Stanley & Barbara Etter  
**Local Government:** District of Summerland

**Proposal:** To exclude 0.15 ha from a 4.1 ha parcel (Lot 17) in exchange for including 0.56 ha from a 2.7 ha parcel (Lot C). Applicants would like to create easier driveway access for Lot B and Lot C while providing a required subdivision buffer and easier access to apricot trees for Lot C. Due to a gulch on the property on Lot C, it is very difficult for that property owner to access the 100+ apricot trees on the southern portion of said parcel. The neighbouring property owner on Lot 17, has a much easier access point for this area, so the registered owners wish to alter their common border - See Proposal Sketch Plan.

## BACKGROUND INFORMATION

No previous applications on either property.

## PROPERTY INFORMATION

**PID:** 027-772-870  
**Legal Description:** Lot C District Lot 2196 Osoyoos Division Yale District Plan KAP88164

**Property Area:** 2.7 ha  
**ALR Area:** 0.0 ha  
**Purchase Date:** December 19, 2008  
**Location:** 9011 Gilman Road  
**Owner:** Heino & Elina Niskakoski

**PID:** 008-590-079  
**Legal Description:** Lot 17 District Lot 2196 Osoyoos Division Yale District Plan 218

**Property Area:** 4.1 ha  
**ALR Area:** 4.1 ha  
**Purchase Date:** June 30, 1992  
**Location:** 5011 Bennett Road  
**Owner:** Stanley & Barbara Etter

**Total Land Area:** 6.8 ha  
**Total ALR Area:** 4.1 ha

## LAND USE

### Current Land Use:

Lot 17 proposed exclusion portion: cleared field. Residence and barn located further south, near proposed inclusion from Lot C.

Lot C proposed inclusion portion: treed agriculture.

### Surrounding Land Uses:

North: Northwest - Residential, zoned A1 - ALR  
Northeast - lightly treed and grass - Not ALR  
East: Orchard - ALR  
South: Orchard - ALR  
West: Orchard - ALR

## PROPOSAL DETAILS

**Exclusion Area:** 0.2 ha

**Agricultural Capability:**

The majority of the area under application is rated as: Secondary

**Source:** BCLI

**Mapsheet:** 82E/52

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**Inclusion Area:** 0.6 ha

**Agricultural Capability:**

The majority of the area under application is rated as: Secondary

**Source:** BCLI

**Mapsheet:** 82E/52

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## RELEVANT APPLICATIONS

**Application ID:** 51960

**Applicants:** Heino & Elina Niskakoski, Stanley & Barbara Etter

**Proposal:** INCLUSION - see file # 51959

**Note:** Inclusion subject to current application exclusion.

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**Application ID:** 37693

**Legacy #:** 22051

**Applicant:** Erika H.M. Holler

**Note:** (1988) Approved exclusion of property north of subject property.

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**Application ID:** 640

**Legacy #:** 26802

**Applicant:** CAROLINE JOLICOUER

**Note:** (1993) Approved exclusion NE corner of Lot 13 for access to Lot 22 neighbouring subject properties.

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## LOCAL GOVERNMENT INFORMATION

**Official Community Plan:**

**Bylaw Name:** OCY Bylaw 2000-310

**OCP Compliance:** Yes

**Zoning:**

**Zoning Bylaw Name:** 99-001 CR-1 (1 ha) and A1 (2 ha)

**Zoning Designation:** CR-1 Country Residential A1-Agricultural

**Minimum Lot Size:** 2.0 ha

**Zoning Compliance:** Yes

**Comments and Recommendations:**

**Advisory Planning Committee**

Approve after discussion of proposal practicality and products grown.

**Board/Council**

Application be supported and approved for submission to the ALC.

## ALC STAFF COMMENTS

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Staff would like the Commission to note the following:

- 1) The improved soil capability of the proposed exclusion (0.15 ha) is classed as prime and currently vacant, while the proposed inclusion (0.56 ha) is mixed prime - favoring BCLI class 6 and currently is planted to tree fruit.
- 2) The proposal increases land protected by the ALR, however the proposed exclusion is located on prime agricultural land. If the Commission deems access is limited to the lots under application and exclusion is necessary, staff suggests the size of exclusion be carefully assessed.
- 3) The desired 4.5 m buffer is needed as per a condition to the subdivision that created lots A and B above Lot C - as found in the District of Summerland Report.
- 4) The exclusion/inclusion application was submitted due to a gulch restricting access to fruit trees. Staff suggests the Commission verify the gully is unpassable and assess if a bridge would be feasible.

## ATTACHMENTS

51959\_ContextMap20k.pdf  
51959\_AirphotoMap25c.pdf  
51959 - Sketch proposal.pdf

## END OF REPORT

**Prepared by:** Lindsay McCoubrey