



Agricultural Land Commission
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April 11, 2012

Reply to the attention of Ron Wallace
ALC File: 52469

Peter & Yvette Beckett
17743 - 87th Street
Osoyoos, BC
V0H 1V2

Dear Sir/Madam:

Re: Application for Subdivision in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #141/2012 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:


Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of Okanagan-Similkameen (A11-05923.200)

Discussion

Upon review of this application for subdivision the Commission noted it had created the subject property in a previous application made in 1997 which subdivided a larger parcel into five (5) residential lots. At the time, the Commission supported the subdivision on the grounds that the property had limited agricultural capability and that the proposed residential lots are consistent with the existing use adjacent to the lake.

This previous decision was made subject to the requirement for vegetative screening along the road (87th Street) so as to buffer the property and reduce the potential for land use conflicts between residential and agricultural uses in the long run. The buffering requirements were to be of a type acceptable to the owner of the adjacent property (Lot 425) to the south of 87th Street. A further condition was for the establishment of building setbacks on the five proposed lots to ensure that any residential or associated structures are located as far from a potentially active agricultural operation as possible. A restrictive covenant was registered on title of the subject property for a setback of 5 meters from 87th Street.

While the Commission recognizes that the subject property has no utility for agricultural use, it remains concerned about the potential negative impacts of more residential development north of 87th Street on the agricultural uses south of the road. For this reason the Commission does not support the proposed subdivision.

However, as noted by the Commission in the previous application made in 1997, it continues to support an ALR boundary review of the small residential lots fronting Osoyoos Lake.

IT WAS

MOVED BY: Commissioner Richard Bullock

SECONDED BY: Commissioner Jim Johnson

THAT the application be refused.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- S.33 (1) *On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that*
- (a) evidence not available at the time of the original decision has become available,*
 - (b) all or part of the original decision was based on evidence that was in error or was false.*
- (2) *The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

CARRIED

Resolution # 141/2012