



**Agricultural Land Commission**  
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April 27, 2006

Reply to the attention of Brandy Ridout  
ALC File #V-29738

William Park  
The Lakes at Summerland Joint Venture  
c/o No. 151 Cathedral Ventures Ltd.  
501-1228 Hamilton Street  
Vancouver, BC V6B 6L2

Dear Mr. Park:

**Re: Application**

Please find attached the Minutes of Resolution #173/2006 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

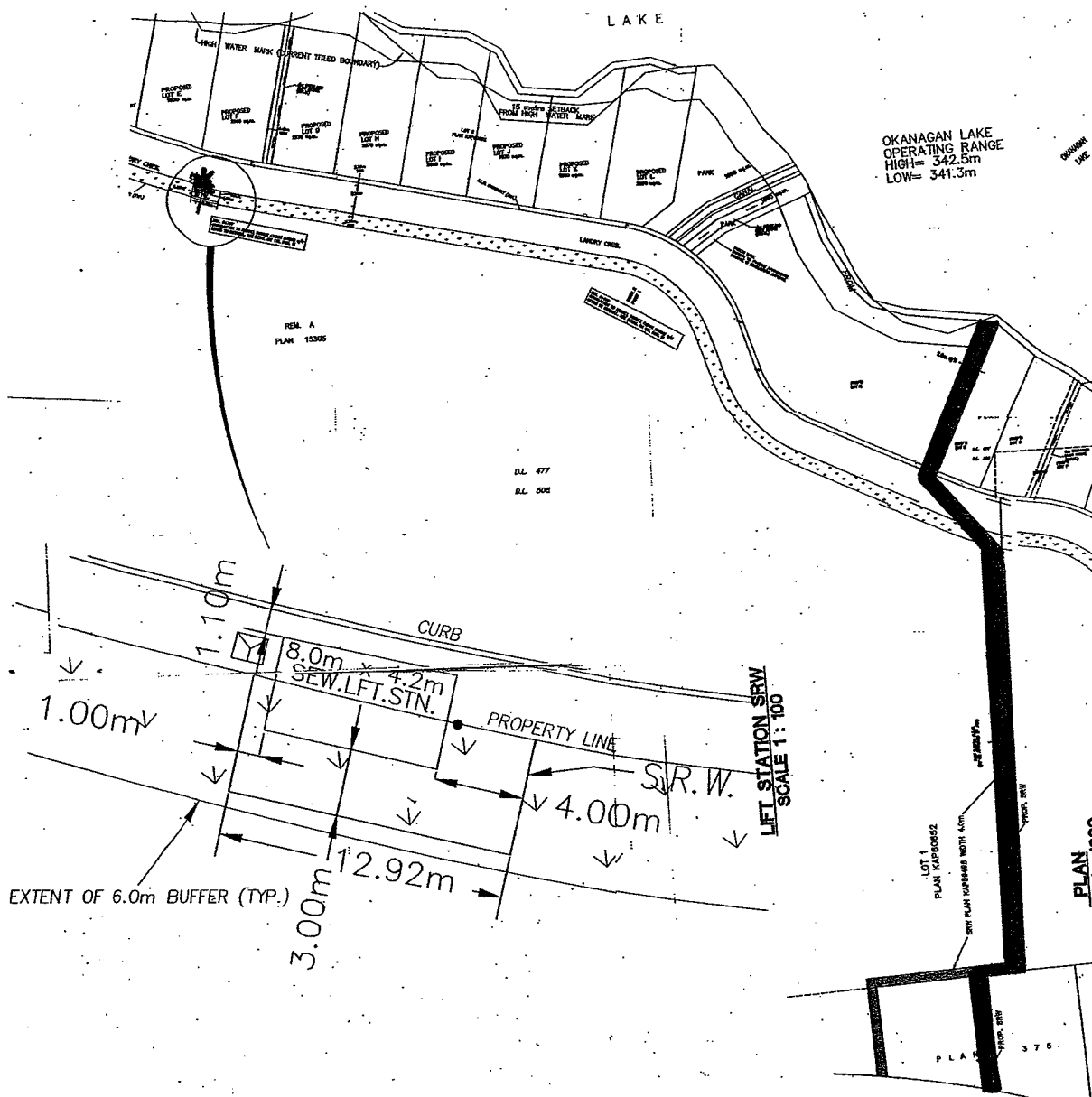
Per:

Erik Karlsen, Chair

cc: District of Summerland (File # 1419.0)

BR/lv/Encl.: Minutes  
Sketch Plan

29738d5



OKANAGAN LAKE  
OPERATING RANGE  
HIGH= 342.5m  
LOW= 341.3m

CHESAPEAKE SERVICES LTD.  
ENGINEERING  
151 CATHEDRAL VENTURES  
GARTRELL PROP'Y, SUMMERLAND, BC  
FORCEMAIN/OUTFALL PLAN & PROFILE

DESIGN	DATE	SCALE	AS SHOWN
CHECKED	DATE	SCALE	AS SHOWN
APPROVED	DATE	SCALE	AS SHOWN

NO.	DATE	DESCRIPTION
1	03/05/05	PLAN

DATE	BY
JANUARY	BWV

NO.	DATE	DESCRIPTION
1	03/05/05	PLAN

NO.	DATE	DESCRIPTION
1	03/05/05	PLAN

NO.	DATE	DESCRIPTION
1	03/05/05	PLAN

NO.	DATE	DESCRIPTION
1	03/05/05	PLAN

**Provincial Agricultural Land Commission**  
Application #V-29738  
Resolution #173/2006



Approved location of life station



Approved widening of easement to 6 metres

DATE OF PREPARATION (DATE OF PRINTING)  
DATE OF APPROVAL (DATE OF PRINTING)  
DATE OF REVIEW (DATE OF PRINTING)



**IT WAS**

**MOVED BY:** Commissioner McCoubrey

**SECONDED BY:** Commissioner Irvine

THAT the information presented constitutes evidence that was not available at the time of the original decision and therefore a reconsideration is warranted;

AND THAT for the purposes of Section 33(2) of the *Agricultural Land Commission Act*, there are no persons it considers is affected by the reconsideration.

AND THAT the modified proposal to construct a sewer lift station on the 6-metre wide berm/buffer lying between residential development and farmland and to widen the existing sewer right of way from 4 metres to 6 metres be approved.

**CARRIED**

**RESOLUTION #173/2006**

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.



**Staff Report**  
**Reconsideration of Application # V – 29738**  
**Applicant: The Lakes at Summerland Joint Venture**  
**Agent: Bill Parks**

**Location: Okanagan Lake, Trout Creek, Summerland**

**DATE PREPARED:** April 6, 2006

**TO:** Chair and Commissioners – Okanagan Panel

**FROM:** Brandy Ridout, Regional Research Officer

**PROPOSAL:** The applicants have the following requests to amend the Commission's original approvals;

1) construction of a sewer lift station on the 6 meter wide berm/buffer lying between residential development and farmland. The building will be 8 meters by 4.2 meters. The purpose of the sewer lift station is to allow for the decommissioning of the existing septic field serving the RV Park. The applicant indicates that the building were more effectively buffer the farm/residential boundary that the proposed vegetation.

2) widen the existing sewer right of way from 4 meters to 6 meters to accommodate the expanded demand for sewer. The applicants claim that the increased area required for the r/w (about 600 sq meters) is more than balanced by the gain of arable area from the decommissioned 0.8 ha septic field.

*response*

3) To use an unspecified area of ALR (but potentially 2 ha +) for a geothermal field for the proposed development. The "field" would consist of excavating to a depth of 2 meters (below the water table) and installing a grid of polyethylene pipes, and the replacement of soil and return of the area to agricultural use. The applicant intends to plant a vineyard over the "field".

These requests are being considered pursuant to section 33 of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

The Commission allowed the exclusion of 4.7 ha, and a maximum density of 92 residential units on the lakeshore portions of two adjoining properties, subject consolidation of small lots currently in orchard production, and to buffering and 6 meter wide berm. The easterly half of the development has been completed.

**Local Government:**

The Corporation of the District of Summerland

**Legal Description of Property:**

Lot 1, KAP60652, DL 508, ODYD

**Location of Property:**

Trout Creek neighborhood in Summerland, adjacent to Okanagan Lake

**Size of Property:**

18.5 ha (The entire property is in the ALR).

**Present use of the Property:**

Vacant land

**Surrounding Land Uses:**

- WEST:** Highway 97
- SOUTH:** Highway 97
- EAST:** Okanagan Lake
- NORTH:** Okanagan Lake

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82 E.052  
The majority of the property is identified as having prime dominant ratings.

**Official Community Plan and Designation:**

Summerland's OCP designates the subject lands as farmland.

**Zoning Bylaw and Designation:**

A-2

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**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

The District of Summerland is aware of the proposed amendments to the application, and unofficially has no objection.

**STAFF COMMENTS:**


Staff recommends that the Commission allow the proposed sewer amendments on the grounds there is a gain, rather than a loss of agricultural land, and an enhancement of the buffer.

Staff suggests that the Commission consider the following issues pertaining to the request to use 2 + ha for a heat exchange field for the lakeshore development.

- The information submitted with the requests suggests that the average home needs 300-700 sq meters for horizontal ground loops. The average parcel size is about 2000 sq meters. No information is provided as to why each non ALR residential lot cannot provide the requisite area for its own home.
- The applicant indicates that crops can be grown over top of the heat exchange field, and that it is their intention is to plant the land to grapes. However, no example of successful farming over these types of fields has been provided. Although the background information suggests that the polyethylene pipes are very durable, antifreeze is required and potentially it might be toxic to plants if it leaked. Also farm machinery might be operated over the field, increasing the potential for pipe breakage and failure. The Commission might consider agricultural development a condition of approval to ensure that the land will not be alienated for agriculture (and the submission of a financial security in the amount necessary to plant the field).
- If the field is constructed, the ownership of the land would have to be shared "in strata" with the development. As such it the land would not be owned by farming interests, nor would it likely be utilised to its maximum efficiency.
- Staff recommends a site visit and discussion with the proponent to discuss the rationale and implication of constructing a heat exchange field in the ALR

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END OF REPORT

  
Signature

  
Date