



**Agricultural Land Commission**  
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March 15, 2006

Reply to the attention of Brandy Ridout  
ALC File #V-36441

New Town Planning Services  
1450 Pandosy Street  
Kelowna, BC V1Y 1P3

Dear Mr. Funk:

**Re: Application for Subdivision and Non-farm Use in the Agriculture Land Reserve**

Please find attached the Minutes of Resolution #61/2006 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of Okanagan-Similkameen - E-05-01921-200

BR/lv/Encl.: Minutes  
36441d1

## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 2, 2006 at the Ministry of Agriculture and Lands office located at 4607 - 23<sup>rd</sup> Street, Vernon, BC.

<b>PRESENT:</b>	Sue Irvine	Chair, Okanagan Panel
	Sharon McCoubrey	Commissioner
	Sid Sidhu	Commissioner
	Brandy Ridout	Staff
	Martin Collins	Staff

### For Consideration

Application # V – 36441  
Applicant Katherine Hoyland  
Proposal To lease a 1 ha portion of a 2 ha property to construct a new electrical substation for the community of Naramata.  
Legal PID: 012-123-561  
District Lot 266, Block 187, Similkameen Division Yale District, Plan 706  
Location 1170 Smethurst Road (at Lyons Road), Naramata

### Site Inspection

A site inspection was conducted on February 28, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey, and Sid Sidhu
- Staff: Brandy Ridout
- Applicant's husband Roy Kato
- Agent: Keith Funk, Newtown Planning Services
- Keith Sones, Fortis, BC

Mr. Funk confirmed that he received the staff report dated February 14, 2006 and did not identify any errors.

Several issues were discussed during the site visit including the current use of the property as orchard, the requirements of a substation, the other properties considered in the process, local residents' concern over the proposal, and the amended proposal layout.

With regard to the other properties considered for the substation, Mr. Sones noted that in addition to the subject property, three additional potential sites had been looked at in the Naramata area. Two of the sites were eliminated from consideration because of unwillingness on the part of the landowners to sell the property. Fortis had found the remaining site less suitable than the subject property in that it was not flat, would involve dealings with several landowners to negotiate the placement of poles, and would require additional infrastructure.

It was noted during the site visit that the Advisory Planning Committee had viewed both properties under consideration. Although minutes were not kept of the visit, in general they felt that the property was prime farmland, the Naramata OCP makes preserving farmland a priority, and the alternate site was more suitable for the location of the substation in that it is not as good farmland.

After the site visit, the Commission viewed the only alternate site and noted that although the property was also in the ALR it was not currently in agricultural production, was more steep than the subject property, and appeared to be limited by rockiness.

### **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**

The Commission noted the Class 3 (prime) agricultural capability ratings for the subject property and that the property was currently in orchard.

The Commission noted Fortis' commitment to decommission the existing substation site and give the adjacent property owner first option to obtain the 0.04 ha area for amalgamation with the existing farming operation.

It was clear to the Commission that a new substation in Naramata was necessary, as the old substation was no longer able to supply the needs of the community. However, the Commission did not feel that adequate justification had been given for using the subject property over the other property considered during the relocation process. It understood that the site was chosen because of its flat aspect and location, but believed that the use of half of the property would have a negative impact on agriculture. The Commission would be willing to consider the alternative site if additional information was provided.

### **Conclusions**

1. That the land under application has prime agricultural capability and is an existing orchard.
2. The use of 1 ha of the subject property would negatively impact agriculture in that the area would be removed from agricultural production.
3. The Commission would be willing to consider the alternate site for the location of the substation.

Page 3 - #36441

**IT WAS**  
**MOVED BY:** Commissioner Sidhu  
**SECONDED BY:** Commissioner Irvine

THAT the application be refused

**CARRIED**  
**RESOLUTION #61/2006**



**Staff Report**  
**Application # V – 36441**  
**Applicant: Katherine Hoyland**  
**Agent: New Town Planning Services**  
**Location: Naramata**

**DATE RECEIVED:** January 12, 2006

**DATE PREPARED:** February 14, 2006

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

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

**PROPOSAL:** To lease a 1 ha portion of a 2 ha property to construct a new electrical substation for the community of Naramata. The sketch provided with the application shows that the substation would be fenced and buffered.

This application is made pursuant to sections 20(3) and 20(1) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

The application arises from the need to replace the old electrical substation in Naramata, for which demand now exceeds capacity.

Although Fortis, the utility company, would prefer to expand the existing station, the adjacent landowners are unwilling to provide additional land. The existing station is located north of the subject property and is in the ALR. Although a non-ALR location was investigated, any possible site would have been too far from the existing line corridor to be economically feasible.

A letter included with the application indicates that several residents and the Electoral Area Director expressed concern about the project. As a result of ongoing consultation with the community, the original proposal was modified. to locate the substation on the south half of the property rather than the north half. There was a consensus that locating the substation on the south half of the property rather than then north half would result in less impact to surrounding residents. In addition, Fortis has agreed to allow the farmer to maintain any fruit trees within the substation area that are not affected by the installation or safety setbacks.

**Local Government:**

Regional District of Okanagan-Similkameen

**BACKGROUND INFORMATION (continued):**

**Legal Description of Property:**

PID: 012-123-561  
District Lot 266, Block 187, Similkameen Division Yale District, Plan 706

**Location of Property:**

1170 Smethurst Road (at Lyons Road), Naramata

**Size of Property:**

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

**Present use of the Property:**

Orchard

**Surrounding Land Uses:**

**NORTH:** Orchards and residences on small lots  
**WEST:** Orchards in the ALR  
**SOUTH:** Orchards in the ALR  
**EAST:** Orchards in the ALR

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82 E.053  
The majority of the property is identified as having prime dominant ratings.

**Official Community Plan and Designation:**

Naramata OCP Bylaw No. 1406 (1993)  
Designation: Agriculture  
Utility uses are permitted in all zones, with the exception of utility substations.

**Zoning Bylaw and Designation:**

Zoning Bylaw No. 1566 (1995)  
Designation: Agriculture  
Permitted uses within the Agriculture Zone include public utilities, but does not include utility substations.

**PREVIOUS/RELEVANT APPLICATIONS:**

No previous or relevant applications have been considered by the Commission.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

The **Regional District of Okanagan Similkameen** forwarded the application without comment (as per policy).

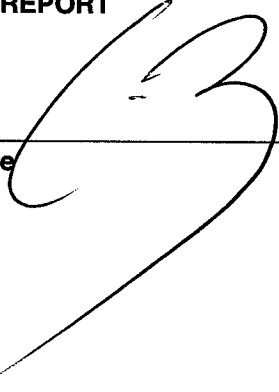
**STAFF COMMENTS:**

Staff recommends that the Commission consider the following:

- The proposed site has good agricultural capability and is in orchard production.
- The proposed substation will serve both urban and agricultural power users, benefiting both.
- Benefits for agriculture may be achieved in the disposition of the present substation land. For example, the reclamation and consolidation of the present facility with an adjoining farm property. These opportunities should be explored with the applicant.
- The non-farm use could be construed as a "community benefit".

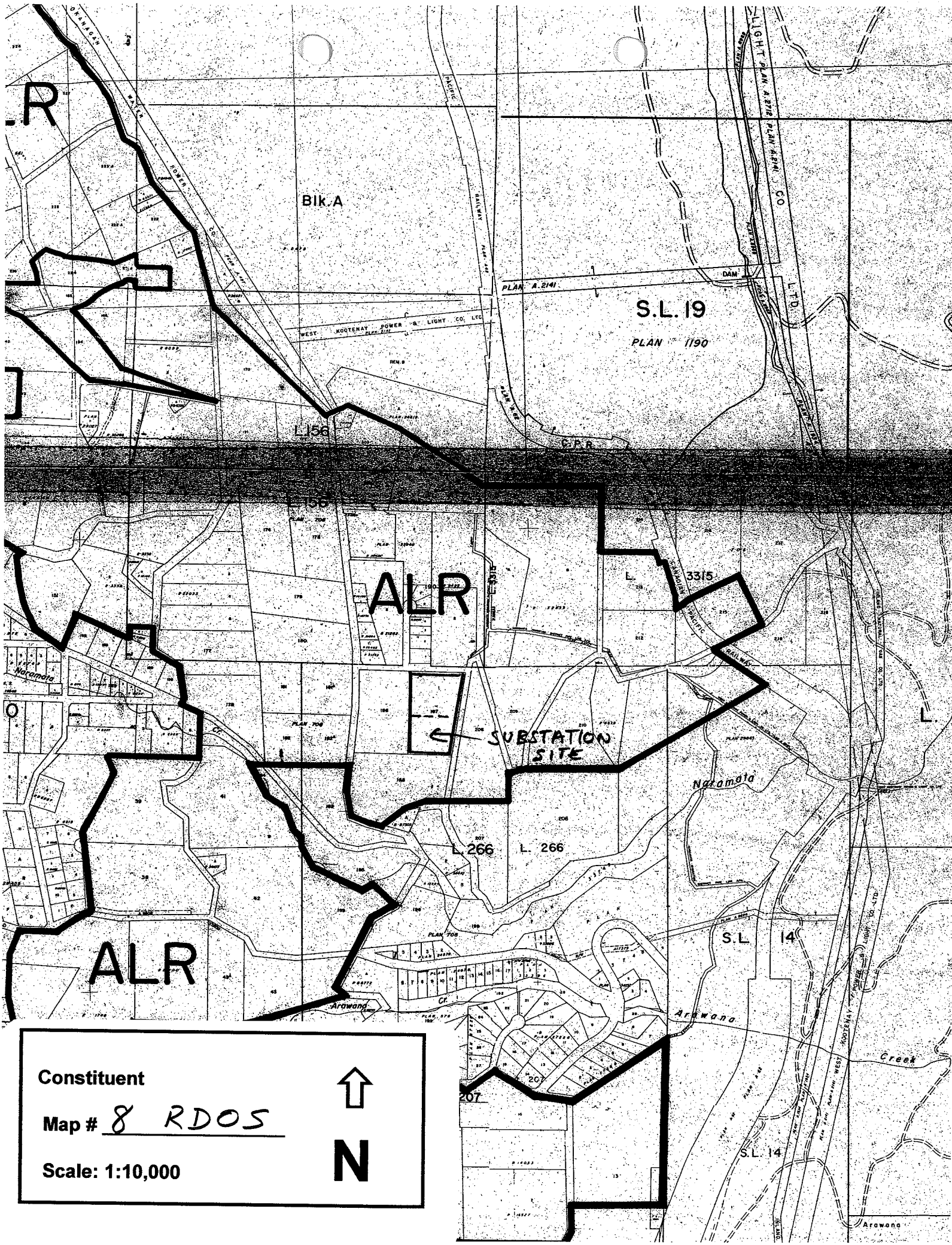
**END OF REPORT**

Signature

A large, stylized handwritten signature in black ink, appearing to be the initials 'CB', written over a horizontal line.

Date

*Feb 21/06*



Constituent  
Map # 8 RDOS  
Scale: 1:10,000

