



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

August 18, 2006

Reply to the attention of Brandy Ridout

Don Lloyd
3006a Skaha Lake Road
Penticton, BC V2A 7H2

Dear Sir:

Re: Application to exclude land from the Agriculture Land Reserve

Please find attached the Minutes of Resolution #415/2006 outlining the Commission's decision as it relates to the noted application. As agent, it is your responsibility to notify the applicant accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of Okanagan Similkameen (# D06-08023-000)

BR/lv/Encl.: Minutes
36576d2

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on August 1, 2006 at the Ministry of Agriculture and Lands office located at 4607 - 23rd Street, Vernon, BC.

PRESENT:	Sue Irvine	Chair, Okanagan Panel
	Sharon McCoubrey	Commissioner
	Sid Sidhu	Commissioner
	Brandy Ridout	Staff

For Consideration

Application # V-36576

Applicant(s) A. Thortenson, D. Lloyd

Original proposal The original proposal was to exclude 1.7 ha of the 4.3 ha property to develop a 64 unit strata campground. The remainder of the property was to be developed as a vineyard/winery.

Revised proposal The revised proposal is to develop twelve (12) lakeshore residential lots (0.12 ha each) totalling 1.46 ha and a vineyard/winery on the 2.9 ha remainder.

Legal Lot 1, Section 16 and 21, Township 85, SDYD, Plan 1340
PID: 011-636-157

Location 3500 Highway #97 on Vaseux Lake

Site Inspection

No site inspection was conducted for the reconsideration request.

Discussion

The Commission considered what persons were affected by the reconsideration.

The Commissioners considered the amended proposal, noting that the reduction in the non-farm use area was minimal (0.24 ha). In addition, they noted that the sketch plan showed the road right of way intruding into the agricultural area. The Commission also had concerns about the potential for the winery structures, including residences and overnight facilities, to erode the productive land base.

Despite these concerns, the Commission also appreciated that the area carries a historic zoning for campground uses. It also believed that there was some merit in developing a vineyard/winery in this location.

As such the Commission would allow a reduced development footprint of no more than 1.2 ha, including the access road right of way subject to there being only a single residence on the remnant property and that it be located between the access road and lake, adjacent to any ancillary structures for grape processing and retail activity. The residence could either be a shared residence/winery structure, or a stand alone building. Two residences are not permitted, with the exception of a secondary caretaker suite in either the single residence or in the winery structure. In addition the Commission required that the vineyard be planted prior to the submission of subdivision plans for registration at the Land Title office. The Commission believed that it was important for the applicant to plant a vineyard on the property in advance of the residential development to ensure that agricultural development was undertaken.

IT WAS

MOVED BY: Commissioner Sidhu

SECONDED BY: Commissioner Irvine

THAT there were no persons affected by the reconsideration;

AND THAT the request for a residential development on the lakeshore area of the 4.3 ha parcel be refused as proposed

AND THAT the Commission approved, in principle, the development of a 1.2 ha area along the lakefront, subject to the following;

- The submission of an acceptable revised subdivision plan showing no more than 12 residential lots and road access on a development footprint no greater than 1.2 ha.
- The planting of a vineyard prior to the registration of the subdivision plan and the development of a winery on the 3.1 ha remnant.
- The registration of a covenant against the title of the 3.1 ha agricultural remnant restricting the number of residences to one (with the exception of a single caretaker suite in either the residence or the winery structure).
- Rezoning the property to reflect the above-noted decision.

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.

CARRIED

RESOLUTION # 415/2006



Staff Report
Reconsideration of Application # V – 36576
Applicant: Anne Thorstenson
Agent: Don Lloyd

Location: Vaseux Lake

DATE PREPARED: July 25, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To subdivide twelve (12) lakeshore residential lots (0.12 ha each), totalling 1.46 ha from the 4.35 ha property.

The original proposal was to exclude 1.7 ha to develop a 64 unit strata campground on an existing campground footprint. Refused by Res 167/2006. The Commission expressed a willingness to consider an amended proposal that reduced the development footprint.

This application is being considered pursuant to section 33 of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The Commission gave approval in 1979 for the upgrading of the 1.7 ha campground facility, which has never been acted upon. The question before the Commission is whether it is more advantageous to retain the campground use (albeit underutilized) or to allow a smaller year round residential footprint in return for the intensive agricultural development of the remainder. The case has been made that intensive agricultural development could be achieved without any exclusion.

Local Government:

Regional District of Okanagan-Similkameen

Legal Description of Property:

PID: 011-636-157

Lot 1, Section 16 & 21, Township 85, Similkameen Division of Yale District, Plan 1340;

Purchase Date (m/d/y):

May 1993

Location of Property:

Highway #97 on Vaseux Lake, between Oliver and Okanagan Falls

Size of Property:

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

Present use of the Property:

Two Residences and seasonal campground.

Surrounding Land Uses:

WEST: Vaseux Lake

SOUTH: 4 ha ALR property owned by Nature's Trust (containing a residence)

EAST: Highway #97, rocky hillside in the ALR

NORTH: Vaseux Lake

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E/5

The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

East Skaha, Vaseux OCP (bylaw #1708) designates the property as Agriculture 1 and Campground (CT3)

Zoning Bylaw and Designation:

The zoning bylaw permits a minimum lot size of 4 ha on the AG 1 zoned area, and 0.1 ha on the CT1 area

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The Regional District of Okanagan Similkameen originally forwarded the application without comment, as per policy. The Regional District was not advised of the amended proposal.


STAFF COMMENTS:

Staff suggests that the Commission consider the following:

- The applicants have permission to upgrade the existing campground (but have not taken the opportunity). It is not clear as to exact scale and configuration of the existing approval. At its most generous the upgrading would be allowed within the existing C 4 zone – about 1.78 ha.
- The amended proposal uses 1.46 ha for residential, rather than 1.78 ha. Also the proposal is for 12 permanent residents rather than 64 strata campground units (only some of which would be quasi-permanent)

- Each of the proposed 12 residential lots would be about 0.1 ha. No detailed information is provided about how much road dedication is required. However, the sketch plan shows the agricultural portion of the development as sharing half of the road right of way. About 75% of the 2.9 ha agricultural remnant would be in agricultural production (about 2 ha).
- If the Commission is prepared to agree in principle to a 12 unit proposal, it should ensure that the vineyard and irrigation systems are developed prior to subdividing the 12 lots to ensure that agriculture is undertaken. Trespass fencing should also be constructed
- The proposed reduction in development area is marginal 0.22 ha. However the layout is well thought out, and the residential density is significantly less.
- Staff recommends a further reduction in development area, perhaps less than 1.2 ha (including all roadways). This would mean that only 0.5 ha currently approved for campground uses would return to agricultural production.
- The question of a residence on the agricultural remnant should also be addressed. It is recommended that no residence be allowed, other than shared with (or within) in the winery building, to ensure maximum area is retained for agricultural production.

END OF REPORT


Signature

Date July 25/06