



Agricultural Land Commission Staff Report

DATE: May 31, 2010

TO: Vice Chair and Commissioners - Okanagan Panel

FROM: Brandy Ridout

RE: Application # 51671

PROPOSAL: To exclude the 8.8 ha property from the ALR in order to subdivide into four lots for large format commercial retail uses, RV Park uses (125 units), and medium to high density residential housing.

PROPOSAL INFORMATION

Background: The Commission refused a 2002 exclusion application for an 8.8 ha RV Park. The application went to the mediated dispute resolution process as per Section 13 of the ALC Act. The Commission reconfirmed its decision to retain the land in the ALR.

Received Date: March 29, 2010

Applicant: Pemborough Developments Ltd

Agent: Urban Connections

Local Government: Town of Osoyoos

DESCRIPTION OF LAND

PID: 004-892-054

Legal Description: Lot 9 District Lot 43 Osoyoos Division Yale District Plan 1958 Except Plans 34274 and H95

Civic Address: east of Osoyoos

Area: 8.8 ha

ALR Area: 8.8 ha

Purchase Date: January 24, 2002

Owner: Pemborough Developments Ltd

Total Land Area: 8.8 ha

Total ALR Area: 8.8 ha

Current Land Use: The northeast corner of the property is vacant, house on northwest corner of the property, a portion is planted in fruit trees and the remainder is vacant.

PROPOSAL DETAILS

Exclusion

Area	Agricultural Capability	Agricultural Capability Source
8.8	Prime	BCLI

Surrounding Land Uses:

North	Osoyoos Indian Band property (4 ha) which is proposed for non-farm development.
East	4 ha cultivated farm parcel in the ALR
South	Urban residential lots in the ALR
West	Non-ALR industrial uses

Official Community Plan

Bylaw Name:	Town of Osoyoos OCP
Designation:	Contingent ALR Growth Area
OCP Compliance:	Yes

Zoning

Zoning Bylaw Name:	Osoyoos Zoning Bylaw #1085
Zoning Designation:	Agriculture
Minimum Lot Size:	0.0 ha
Zoning Compliance:	No

PREVIOUS APPLICATIONS

Application #: 31824

Applicant: Gerlitz & Wish

Proposal: To subdivide the 9.5 ha property into two equal sized lots.

Decisions:

Resolution Number	Decision Date	Decision Description
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Note: Resolution #11960/1979 refused the application on the grounds that the land has excellent agricultural capability and is presently being used for tree fruits. Resolution #1615/1980 reconfirmed the refusal. The land has excellent capability and with proper management (i.e. drainage), would make for a very productive orchard.

Application #: 31822

Applicant: Robert Gerlitz

Proposal: To subdivide two 0.3 ha lots from the 9.8 ha property.

Decisions:

Resolution Number	Decision Date	Decision Description
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Note: Resolution #2915/1982 refused the proposal on the grounds that the proposed subdivision would introduce lots into an extensive orcharding area. Resolution #804/1983 allowed the subdivision of the two lots. Mr. Gerlitz wishes to operate the orchard independently and the only way possible is for Mr. Wish to subdivide off the two lots for his own use. It was felt that by allowing the subdivision, the operation of the remainder of the property as an orchard would be ensured.

Application #: 31820
Applicant: Gerlitz & Wish
Proposal: To subdivide the 9.5 ha subject property in half.

Decisions:
Resolution Number

Decision Date

Decision Description

Note: Resolution #6237/1977 refused the proposal on the grounds that the land has high capability for agriculture and the proposed subdivision would reduce the options for agricultural use of the land.

Application #: 18709
Applicant: Pembourough Developments Ltd
Proposal: To exclude an 8.8 ha property from the ALR.

Decisions:
Resolution Number

Decision Date

Decision Description

278

June 20, 2002

The Commission refused this application to exclude an 8.8 ha property on the grounds that the property currently supports fruit trees, has an improved agricultural rating of class 3, and the proposed RV Resort could increase the potential for people and animals to interfere with surrounding farming activities.

Application #: 12265
Applicant: Harold Wish
Proposal: To exclude the 8.8 ha orchard parcel to develop a mobile home park

Decisions:
Resolution Number

Decision Date

Decision Description

928

October 17, 1988

Refused for the reasons stated in the previous refusal.

Note: Refused and reconfirmed.

Application #: 8706
Applicant: Suzanne Wish
Proposal: To develop a golf driving range on a 1.6 ha area in the NE corner of the subject property - this will include a 26 vehicle parking lot, pro shop/club house, and a 10' x 150' concrete strip for the stalls.

Decisions:
Resolution Number

Decision Date

Decision Description

621

October 21, 1997

Refuse due to impact and agricultural capability.

Committee Recommendations

Type

Recommendation

Description

Board/Council

Approve

Town of Osoyoos Council: Forwarded the application with a recommendation of SUPPORT, with two council members opposed.

STAFF COMMENTS

- The land under application has reasonably good capability for agriculture and a long history of agricultural use. A soil survey completed by an agrologist confirms that the majority of the property has

good agricultural capability. Approximately 20% of the property - located in the northeast corner, is subject to excessive wetness from upslope drainage and runoff.

- There have been numerous previous applications on the subject property. Subdivision in half was refused twice, subdivision of two 0.35 ha lots from the southern portion of the property was approved, exclusion of the 8.8 ha remainder for a mobile park was refused twice, and the use of the 8.8 ha property as a driving range was refused. In its decision to refuse exclusion for an RV park, the Commission noted that its mandate to preserve agricultural land and encourage farming did not take into account urban land supply for tourist residential uses.

- The applicant has submitted a report titled "RV Resort and Land Availability Review" dated August 2009 which documents the limited capacity in the Town to accommodate a short stay, non-strata RV resort due to a shortage of large parcels and high land costs.

- The Town of Osoyoos has submitted a "Commercial and Residential Availability Report" generated by Town staff which provides details about the capacity of the appropriately designated land within the Town to accommodate residential and commercial uses. The report indicates that there is a capacity for 805 units of multifamily residential development. However, no information is provided about take up rates. In addition, residential capacity of the Meadowlark neighbourhood is not included in the analysis. There is some land available for commercial development, but no parcels large enough for medium size commercial development.

- In its review of the Town of Osoyoos OCP in 2006 the ALC indicated that it may be prepared to endorse an undetermined (as yet) area of the Highway frontage of the Wish property for commercial purposes. However, it was indicated that as a condition the Commission may require an agricultural benefit on the remainder, as well as a mutually acceptable resolution of the transportation and access issues affecting this area. In the current exclusion application, it is noted that no agricultural development is proposed on the property. Transportation and access issues are resolved wholly on the subject property based on a preliminary location analysis of the new 45th Street intersection.

- A Town of Osoyoos public information meeting was held on January 18th, 2010. Twelve written and oral submissions are registered in the information meeting minutes. Submissions were provided both in support and in opposition to the application. Seven submissions indicated clear opposition to the application while five supported the proposal. One additional letter was received at the ALC office in opposition to the exclusion.

- Approximately 29 ha have been excluded in east Osoyoos since the creation of the ALR. Some properties have been excluded on the condition that they be used for mobile home/tourist commercial use while other areas have had no requirements placed on their use post-exclusion and have been used for residential developments and strata-RV parks. The latest exclusion request excluded 16 properties for a total of 20 ha in 2001.

ATTACHMENTS

51671_ContextMap20k.pdf

51671 airphoto.pdf

51671 sketch plan.pdf

51671 proposal sketches.pdf

51671 agent report excerpt.pdf

51671 agrologist report.pdf

51671 RV resort availability.pdf

51671 Osoyoos comments.pdf

51671 Preliminary Area Plan.pdf

END OF REPORT

Signature

Date