



**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

February 1, 2006

Reply to the attention of Brandy Ridout  
ALC File #G-36409

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

Dear Mr. Funk:

Re: Application to Exclude land from the Agriculture Land Reserve

Please find attached the Minutes of Resolution #23/2006 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan. It will also confirm for the Registrar the area excluded from the ALR.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of Central Okanagan (#A-05-10)

BR/lv/Encl. Minutes  
Sketch Plan

36409d1

## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on January 19, 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 # G-36409  
Applicant Wiig Holdings Ltd.  
Proposal To exclude 1.1 ha of the 4.7 ha property from the ALR for a low-density (24-unit) lakeside resort development and to intensify the agricultural use of the remainder. The 1.1 ha area roughly encompasses the existing campground.  
Legal PID: 003-862-658  
Lot B, District Lot 434, Osoyoos Division Yale District, Plan 30699  
Location 1457 Green Bay Rd, Westbank

### Site Inspection

A site inspection was conducted on January 18, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey, and Sid Sidhu
- Staff: Brandy Ridout and Martin Collins
- Agent: Keith Funk
- Applicants: Ron Barron, Geoff Barron, and Rob Chetner

Mr. Funk confirmed that he received the staff report dated December 30, 2005 and did not identify any errors.

### 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.

The Act provides processes for landowners, local governments and First Nation governments to apply to the Commission to include land into the ALR, remove land from the ALR, subdivide land in the ALR and use land in the ALR for non-farm purposes. The Commission decides applications with the objective of ensuring that lands suitable for agriculture are retained in the ALR and that non-farm development of ALR land is restricted.

## **Discussion**

### **Assessment of Agricultural Capability**

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The improved agricultural capability ratings for the property are identified as mainly Class 2W and Class 3AW.

#### **Class**

- 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.
- 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

#### **Subclass**

- A soil moisture deficiency
- W excess water

Given the level of historical non-farm development on the 1.1 ha area being requested for exclusion, the Commission did not believe that the agricultural capability ratings were applicable. With regard to the balance of the property, the Commission was satisfied that the ratings were relevant to its discussion.

### **Assessment of Agricultural Suitability**

The Commission then assessed whether external factors have caused or will cause the land to become unsuitable for agriculture. It noted that lands to the east are not in the ALR and have been developed as a camp. However, the Commission did not believe that this use rendered the subject property unsuitable for agricultural use.

### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long-term goal of preserving agricultural land. In this analysis, the Commission considered the impact the proposal would have on agriculture both on the subject property and in the surrounding area.

With regard to the proposal's impact on agriculture on the subject property, the Commission noted that the 1.1 ha portion of the property being requested for exclusion had been used as a campground since 1959. It was also noted that in addition to the existing campground, a 0.6 ha area was being used for mobile home and trailer storage. The Commission viewed the applicants' statement that this area would revert to useable agricultural land if the 1.1 ha area was approved for exclusion as a positive impact on agriculture.

The impact of the proposal on agriculture on the portion of the property not requested for exclusion would be positive as the proponents have agreed to forgo the previous approval for a driving range on the site and have proposed to intensely develop the area for agriculture. The possibility of a vineyard was discussed as an agri-tourism venture alongside the resort.

With regard to the impact of the proposal on agriculture in the surrounding area, the Commission noted that the 1.1 ha portion of the property proposed for exclusion was adjacent to other similar non-farm uses. As such, the Commission believed that the proposal would not have a negative impact on agriculture on surrounding properties.

### **Conclusions**

1. That the 1.1 ha portion of the property under application for exclusion does not have agricultural capability nor is it suitable for agriculture due to its historical use as a campground. The balance, including the overflow parking and RV storage site, has agricultural capability and is appropriately designated as ALR.
2. That as the 1.1 ha portion of the property under application for exclusion has been a campground since 1959, its exclusion will not negatively impact agriculture on the subject property if conditions are met. The proposals to forgo the previous approval for a driving range on the site and intensely develop the balance of the property for agriculture will both positively impact agriculture.
3. As both adjacent properties have similar lakefront developments, the proposal will not have a negative impact on agriculture in the surrounding area.

### **IT WAS**

**MOVED BY:** Commissioner Irvine

**SECONDED BY:** Commissioner McCoubrey

THAT the application be allowed

AND THAT the approval is subject to the following conditions:

- The preparation of a subdivision plan to delineate the area to be excluded as per the drawing submitted with the application.
- The submission of a business plan showing evidence that the remainder of the property is planned for intense agricultural development. This would include a timeline (showing the agricultural development will be complete within five (5) years) and a budget. The Commission would also request a legal document (i.e. a lease with a farmer or winery) showing the plans for the development of the area.
- The posting of a bond with the Commission for the amount required to intensely develop the remainder for agriculture.
- The construction of a fence and the planting of a vegetative buffer along the northern boundary of the excluded area for the purpose of limiting its impact on the remainder. Fencing and buffering plans should be submitted to the Commission for approval. The fencing and buffering must be on the excluded area and not the remainder.
- The registration of a restrictive covenant against the remainder prohibiting the construction of any dwellings.
- The rescission of Resolution #1268/1988 (application #G-22618).

Page 4 - #36409

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 #23/2006**

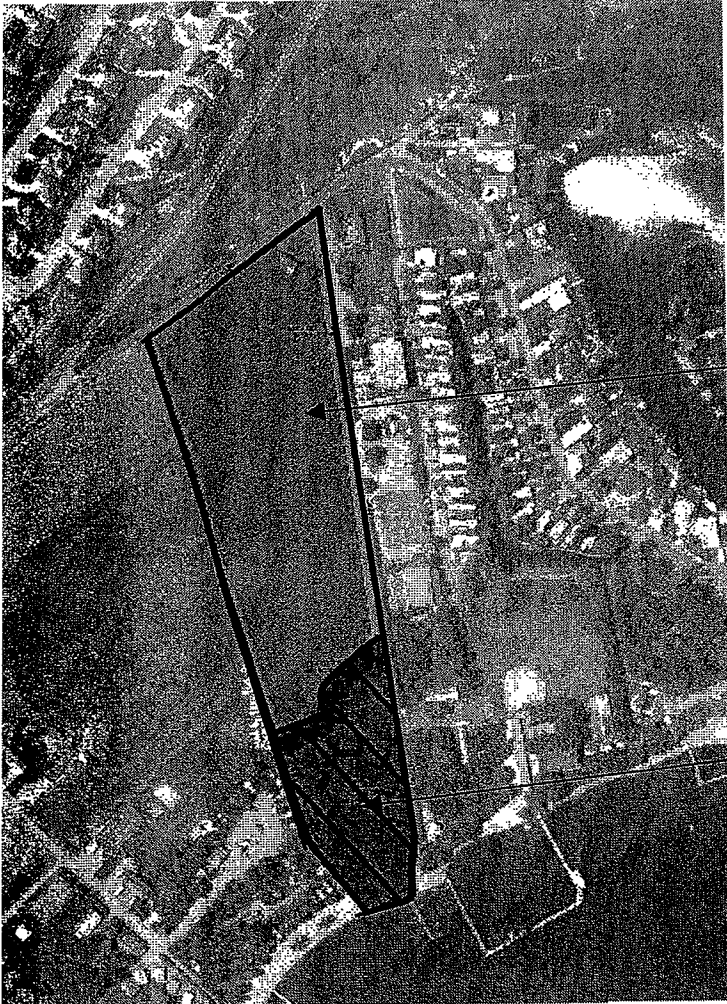
**Provincial Agricultural Land Commission**  
**Application #G-36409**  
**Resolution #23/2006**



1.1 ha area approved for exclusion from the ALR



Location of fencing and vegetative buffer



INTENSIFIED AGRICULTURAL USE

RESORT DEVELOPMENT  
(11,100 m<sup>2</sup>)



**Staff Report**  
**Application # G – 36409**  
**Applicant: Wiig Holdings Ltd.**  
**Agent: New Town Planning Services**  
**Location: Westbank**

**DATE RECEIVED:** December 9, 2005

**DATE PREPARED:** December 30, 2005

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

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

**PROPOSAL:** To exclude 1.1 ha of the 4.7 ha property from the ALR for a low-density (24-unit) lakeside resort development and to intensify the agricultural use of the remainder. The 1.1 ha area roughly encompasses the existing campground.

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

The use of the property as a campground predates the ALR (1959) and currently consists of 30 mobile homes and trailers stored on a long-term basis and 36 campsites. The adjoining property to the southwest also has a campground on the lakeshore portion of the property.

In addition to the existing campground, a 0.6 ha area is currently used for mobile home and trailer storage. A portion of this area was used as a driving range (previous application #G-22618) in the 1990's but the use has since ceased. The applicants note that if the application is approved, the driving range will not be reactivated and the 0.6 ha area will revert to useable agricultural land.

**Local Government:**

Regional District of Central Okanagan

**Legal Description of Property:**

PID: 003-862-658

Lot B, District Lot 434, Osoyoos Division Yale District, Plan 30699

**Purchase Date:**

1975

**Location of Property:**

1457 Green Bay Rd, Westbank

**BACKGROUND INFORMATION (continued):**

**Size of Property:**

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

**Present use of the Property:**

1.1 ha is used as a campground and RV Resort, 0.6 ha is used for mobile home and trailer storage, overflow camping, parking and a playing field.

**Surrounding Land Uses:**

**WEST:** Large farm parcel within the ALR, with camping along the lakeshore  
**SOUTH:** Okanagan Lake  
**EAST:** Green Bay Bible camp - outside the ALR  
**NORTH:** Non-ALR hillside and urban residential

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82E.083  
The majority of the property is identified as having prime dominant ratings.

**Official Community Plan (OCP) and Designation:**

Westside OCP Bylaw No. 1050  
Designation: Agricultural (A1)

**Zoning Bylaw and Designation:**

Zoning Bylaw No. 871  
Designation: A1 (Agricultural) and C5 (Campground, Cabin and Motel Commercial)

**PREVIOUS APPLICATIONS:**

**Application #22618-0**

**Applicant:** Wiig Holdings Ltd.  
**Decision Date:** December 13, 1988  
**Proposal:** To develop a driving range on the vineyard.  
**Decision:** Allowed, subject to netting and fencing on the western boundary and a \$5,000 bond.

**RELEVANT APPLICATIONS:**

**Application #25130-0**

**Applicant:** L & P Van Roekel  
**Decision Date:** September 13, 1991  
**Proposal:** To exclude the 9 ha property from the ALR because of a prevalent frost pocket.  
**Decision:** Refused on the grounds the land generally is comprised of excellent soils and access to irrigation.



**RELEVANT APPLICATIONS (continued):**

**Application #26702-0**

**Applicant:** Leroy and Pat Van Roekel  
**Decision Date:** November 16, 1992  
**Proposal:** To expand the existing 1 ha campground to approximately 2 ha of the 9 ha property.  
**Decision:** Refused - but would consider the expansion of this resort and the one to the south, subject to the consolidation of the agricultural remnants into a single agricultural property and buffering.

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**Application #26132-0**

**Applicant:** Elaine & Ermano Barone  
**Decision Date:** January 28, 1992  
**Proposal:** To exclude 2.4 ha from the ALR, that is presently a campground, for small lot residential development.  
**Decision:** Refused - but was prepared to reconsider and exclude the land upon ensuring that the proposed subdivision does not adversely affect orchard operations to the north and west.

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**Application #26132-1**

**Applicant:** Elaine & Ermano Barone  
**Decision Date:** June 16, 1992  
**Proposal:** To exclude 2.4 ha from the ALR based on a 23-unit strata development.  
**Decision:** Allowed - subject to the removal of the unit in the north-west corner of the property and the installation of buffering.

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**Application #26132-2**

**Applicant:** Elaine & Ermano Barone  
**Decision Date:** November 19, 2004  
**Proposal:** Rather than a 23 unit strata development, a 101-unit condominium development is proposed, comprised of 10 structures, ranging between 3 and 4 stories.  
**Decision:** Allowed - subject to the construction of a 1 - 2 meter berm between Lot A and Lot B, the construction of a fence and the planting of vegetative screening on the berm.

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**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**The Regional District of Central Okanagan Board:** Forwarded the application with a recommendation of support.

**Agricultural Advisory Committee:** Supports exclusion on the assumption that intensified agricultural use will take place on the ALR remnant. Suggests that crops other than grapes be considered, such as raspberries or strawberries.

**Planning Services Department:** Supports application.

**Westside South Advisory Planning Commission:** Recommends approval.

**The City of Kelowna:** No objection given that the proposed use would be located on lands currently used for non-farm purposes.

**OTHER COMMENTS:**

**District Agrologist, Ministry of Agriculture and Lands:** Ministry staff have no objection to the exclusion subject to the exclusion being limited to the area currently zoned C 5, and the development site being buffered from the ALR remnant by a 15 meter wide A3 ALC buffer.


**STAFF COMMENTS:**

Staff suggest that the Commission consider the following;

- Similar applications on lakeshore properties, #G-26132 (Barone) for example, have been approved for exclusion and redevelopment.
- The applicant suggests that the remainder of the property will be more intensively developed for agriculture. Although details have not been provided in the application, it is noted from the Agricultural Advisory Committee Meeting Minutes that a vineyard is anticipated and hoped to become an agri-tourism venture alongside the resort.
- If the Commission considers the proposal to have merit, the exclusion and redevelopment of the 1.1 ha property should be based on an effective buffering and setback plan as well as the provision of a net benefit for agriculture. This benefit would include agricultural development on the remainder or consolidation of the remainder with the adjoining property. It is suggested that the agricultural development precede the exclusion to ensure that it takes place.

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END OF REPORT

  
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Signature

  
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Date