



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

June 14, 2006

Reply to the attention of Brandy Ridout
ALC File #V-36580

Brad Elenko
Urban Connections
#12 Dogwood Place
Osoyoos, BC V0H 1V1

Dear Mr. Elenko:

Re: Application to exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution #259/2006 outlining the Commission's decision as it relates to the above noted application. As agent it is your responsibility to notify your clients accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of Okanagan-Similkameen (#A06-07944-001)

BR/lv/Encl.: Minutes
36580d1

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 23, 2006 in Kelowna, BC.

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

For Consideration

Application # V – 36580
Applicants John & Heather Vieira
Proposal To exclude the 55.7 ha subject property from the ALR.
Legal PID: 015-148-513
That part of the South East ¼ of, Section 3, Township 65, Similkameen Division Yale District, Except That part lying North and West of Plan H415
Location Highway 3, 15 km east of Osoyoos, Anarchist Mountain

Site Inspection

A site inspection was conducted on May 23, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey and Sid Sidhu
- Staff: Brandy Ridout
- Applicants: John and Manuel Vieira
- Agent: Brad Elenko

Mr. Elenko confirmed that he had received the staff report dated May 15, 2006 and did not identify any errors.

The previous application on the property (#V-28581) allowed for the extraction of approximately 10,000 cubic metres of sand/gravel per year from a 1.5 ha area. It appeared to the Commission that an area greater than 1.5 ha was being utilized for extraction and stockpiling purposes.

Discussion

The Commission recalled that the intention of the previous approval under Resolution #1280/1993 was to allow material to be extracted from the property to make it more suitable for agriculture. As such, it did not believe that exclusion of the property was warranted. However, the Commission continued to be supportive of the extraction of material and the return of the property to an agricultural standard.

The Commission noted the reason for the exclusion request – namely to provide the applicants more certainty in their business operations and to avoid permit renewals. As such, it would be willing to consider the non-farm use of a portion of the property for a 20 year period, subject to the approval being reviewed every 4 years and the conditions of the original approval.

IT WAS

MOVED BY: Commissioner McCoubrey

SECONDED BY: Commissioner Sidhu

THAT the application be refused as proposed

AND THAT the Commission would allow the non-farm use of a portion of the property for a 20 year period subject to:

- The clear delineation of the current and projected extraction areas and current and projected stockpile areas,
- The approval being reviewed every four years, and
- The terms and conditions of the Commission's original approval under Resolution #1280/1993 (copy attached).

AND THAT the approval is subject to the following conditions:

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 #259/2006



Staff Report
Application # V – 36580
Applicant: John & Heather Vieira
Agent: Urban Connections

DATE RECEIVED: March 30, 2006

DATE PREPARED: May 15, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To exclude the 55.7 ha subject property from the ALR.

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

BACKGROUND INFORMATION:

In 1994, the applicants received approval from the Commission to remove sand and gravel from three specific areas on the property. In 2005, the applicants received approval from the Commission to operate a redi-mix concrete plant on a 0.8 ha portion of the property.

The applicants believe the subject property to have no horticultural value and due to the absence of surface water, extremely limited grazing value. They would like to expand their existing business without continually applying to the Commission for permission.

Local Government:

Regional District of Okanagan-Similkameen

Legal Description of Property:

PID: 015-148-513

That part of the South East ¼ of, Section 3, Township 65, Similkameen Division Yale District, Except That part lying North and West of Plan H415

Purchase Date:

June 1993

Location of Property:

Highway 3, 15 km east of Osoyoos, Anarchist Mountain

Size of Property:

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

BACKGROUND INFORMATION (continued):

Present use of the Property:

Approximately 20% is used for the extraction of aggregate material (sand and gravel), processing (screening) and storage.

Surrounding Land Uses:

WEST: Vacant
SOUTH: USA
EAST: Rural residence
NORTH: Gravel extraction

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E/3
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

Osoyoos Rural Official Community Plan Bylaw No. 2260 (2004)
Designation: Resource Area (RA)

Zoning Bylaw and Designation:

Osoyoos Rural Zoning Bylaw No. 2261 (2004)
Designation: Resource Area Zone (RA) and Industrial Site Specific (I)

PREVIOUS APPLICATIONS:

Application #28581-0

Applicant: John & Heather Vieira
Decision Date: October 29, 1993
Proposal: Extraction of 5 - 10,000 cubic metres annually of sand and gravel from a 10 ha area in 10 equal phases with the ultimate goal of sloping the upper plateau to a 3% grade.
Decision: Refused on the grounds that would not significantly enhance agricultural potential.
Reconsidered: November 1994 - allowed subject to various conditions including a \$50,000 Letter of Credit (LOC). The LOC was not received but extraction activity took place on the property for a number of years and the LOC was finally posted in 2001. The applicant's soil removal permit expired on September 20, 2004 and they were requested to submit a Notice of Intent. The Notice of Intent was subsequently cancelled.

Application #35756-0

Applicant: John & Heather Vieira
Decision Date: February 3, 2005
Proposal: To use an 0.8 ha portion of the property for a redi-mix concrete plant. The property has been subject to gravel extraction. The Commission's permission to extract gravel expired September 20, 2004. The applicant indicates that there will be a lot of new construction in the area as a result of the Commission's decision to allow the exclusion of a significant area of ALR land to the north.
Decision: Approved - on the grounds that it will have a limited impact on agriculture.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District of Okanagan-Similkameen: Forwarded the application without comment, as per policy.

Regional Director, Area 'A': Does not support exclusion as the applicants have the ability to extract gravel and expand their business without removal from the ALR. In addition, the need to reapply for a permit every three years is not believed to be overly cumbersome. It is noted that although gravel is a much-needed commodity, some of the land is farmable and may be needed in the future.

STAFF COMMENTS:

Staff suggests the Commission consider the following:

- The Regional Director's concerns.
- Past Commission decisions in the area.
- Extraction has been allowed on the property in the past subject to reclamation.

END OF REPORT

Signature

Milt

Date

May 16, 06