



Agricultural Land Commission
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October 4, 2006

Reply to the attention of Brandy Ridout
ALC File #V-36754

Alan Colombo
AFC Consulting Services
413-100 Lakeshore Drive
Penticton, BC V2A 1B6

Dear Mr. Colombo:

Re: Application for subdivision and non-farm use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #482/2006 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client accordingly.

If you wish to pursue the decision, 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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of Okanagan-Similkameen - D06-01119-000

BR/eg/Encl.: Minutes
Sketch Plan



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 29, 2006 at the Ministry of Agriculture and Lands office located at 4607 - 23rd Street, Vernon, BC.

PRESENT: Sue Irvine
Sharon McCoubrey
Sid Sidhu
Martin Collins
Terra Kaethler

Chair, Okanagan Panel
Commissioner
Commissioner
Staff
Staff

For Consideration

Application # V – 36754
Applicants Heidi Robinson
Proposal To subdivide a 1.4 ha lot from the 39 ha property for a sewage treatment facility for Okanagan Falls.
Legal PID: 013-080-741
That part of District Lot 10, shown as Parcel E on Plan B7137, Similkameen Division of Yale District
Location South of Okanagan Falls, on the east side of the Okanagan River

Site Inspection

A site inspection was conducted on July 31, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey and Sid Sidhu
- Staff: Brandy Ridout
- Applicant: Heidi Robinson
- Bill Robinson, applicant's husband
- Agents: Al Columbo & Brad Elenko
- Regional Director: Bill Swartz

Mr. Columbo confirmed that he had received the staff report dated July 11, 2006 and did not identify any errors.

As it was not clear from the information provided with the application that relocating the sewage treatment plant to the site under application was the only viable option, the Commissioners requested additional information. They requested information on the process and the options considered. In order to determine if the proposal would fill a community need, the Commission wanted to be sure that other avenues had been thoroughly investigated.

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

Assessment of Agricultural Capability

The majority of the 1.4 ha portion of the property is identified as having prime dominant ratings (approximately 60% Class 3W and 40% Class 4W).

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

Subclass W (excess water)

Assessment of Suitability for Agriculture

The Commission determined that there were no outside factors that would make the 1.4 ha area unsuitable for agriculture.

Assessment of Community Need

As the 1.4 ha area proposed for non-farm use had both agricultural capability and suitability, the Commission focused its discussion on the issue of community need.

In the application it is noted that as the existing Okanagan Falls sewage treatment plant has reached capacity, the Regional District of Okanagan-Similkameen undertook an extensive land search and public consultation process to determine a preferred location for a new sewage treatment plant. Based on this process, it was determined that the preferred option was to construct a new treatment facility downstream from the existing operation. Expansion at the current location was ruled out as it is adjacent to residential uses and too small to accommodate the construction of a new plant.

As requested during the site visit, information was subsequently received including details on the public meeting and an excerpt from the Strategic Study prepared by Earth Tech Consultants for the Regional District of Okanagan-Similkameen regarding sewage treatment plant upgrade options. The report outlined several sites were investigated, including a gravel pit (non-ALR), the existing Rapid Infiltration basin (non-ALR), Crown land sites, and several pieces of private land. All options were eliminated for various reasons including cost, accessibility, topographic challenges, lack of interest on the part of private property owners in selling or subdividing their land for a sewage treatment plant, and proximity to houses and vineyards.

After a review of all of the information provided, the Commission came to the conclusion that the local government had undertaken an analysis of a variety of possible solutions for the sewage plant upgrade, including relocation to a non-ALR property, in order to determine that the best solution was relocation to the 1.4 ha area under application.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission noted that the footprint of the project was relatively small. It believed that although the proposal would remove 1.4 ha from agricultural production and introduce a non-farm use into an agricultural area, the issue of community need outweighed the negative impact on agriculture.

IT WAS

MOVED BY: Commissioner McCoubrey
SECONDED BY: Commissioner Irvine

THAT the application be approved on the grounds that the issue of community need outweighed the negative impact on agriculture.

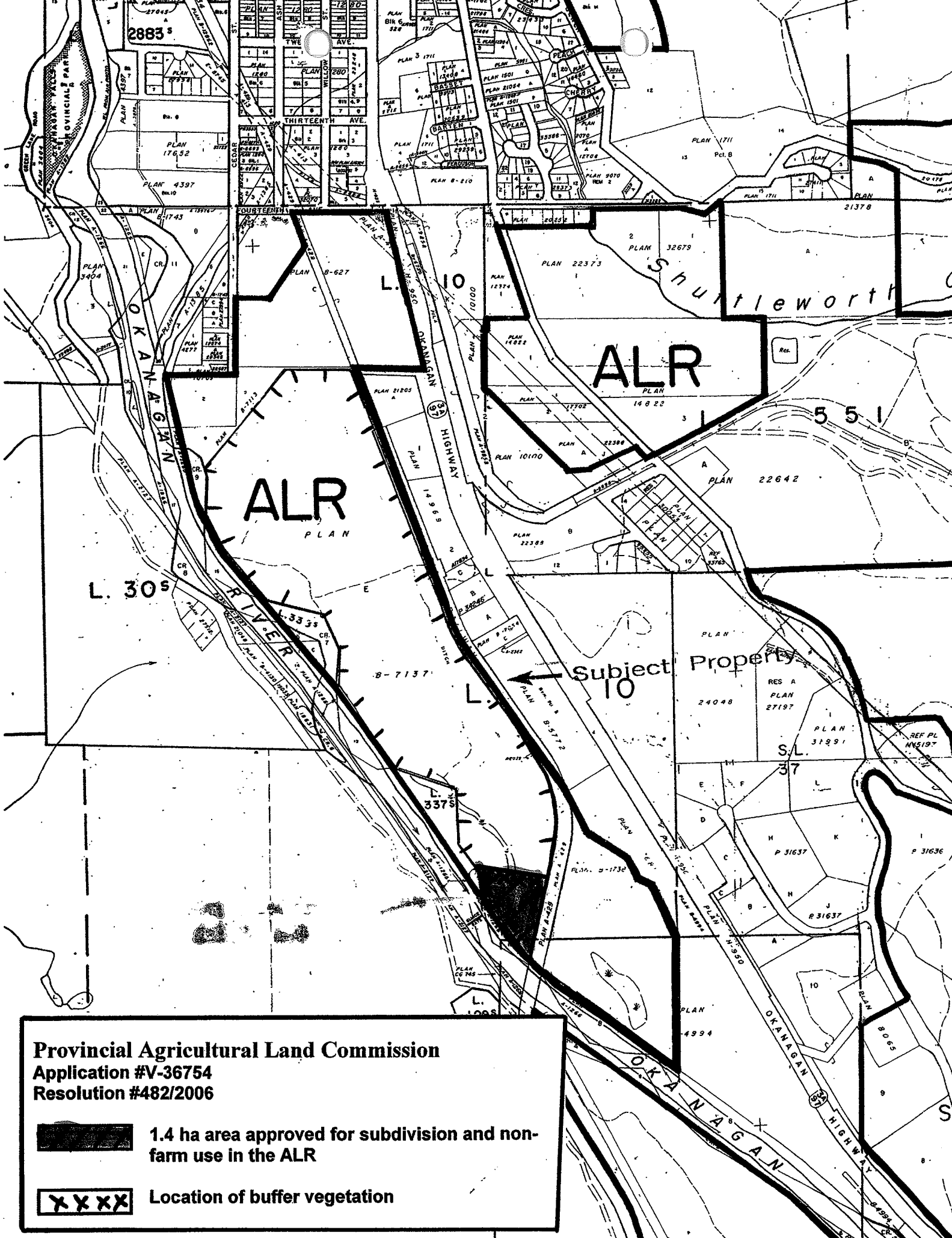
AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- the installation of a fence around the 1.4 ha lot and a vegetative buffer along the northwest side of the lot for the purpose of limiting its impact on the remaining farm unit. Buffering and fencing plans should be submitted to the Commission for approval.

AND THAT the approval is granted to the applicant only and subdivision must be completed within three (3) years from the date of this 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 #482/2006



Provincial Agricultural Land Commission

Application #V-36754

Resolution #482/2006



1.4 ha area approved for subdivision and non-farm use in the ALR



Location of buffer vegetation



Staff Report
Application # V – 36754
Applicant: Heidi Robinson
Agent: AFC Consulting Services
Location: South of Okanagan Falls

DATE RECEIVED: June 8, 2006

DATE PREPARED: July 11, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To subdivide a 1.2 ha lot from the 39 ha property for a sewage treatment facility for Okanagan Falls.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

As the existing Okanagan Falls sewage treatment plant has reached capacity, the Regional District of Okanagan-Similkameen undertook an extensive land search and public consultation process to determine a preferred location for a new sewage treatment plant. Based on this process, the preferred option is to construct a new treatment facility downstream from the existing operation as it is currently adjacent to residential uses and too small to accommodate the construction of a new plant.

Local Government:

Regional District of Okanagan-Similkameen

Legal Description of Property:

PID: 013-080-741

That part of District Lot 10, shown as Parcel E on Plan B7137, Similkameen Division of Yale District.

Location of Property:

South of Okanagan Falls, on the east side of the Okanagan River

Size of Property:

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

Present use of the Property:

Forage crops, grazing, home and cattle operation outbuildings.

BACKGROUND INFORMATION (continued):

Surrounding Land Uses:

WEST: Okanagan River
SOUTH: Okanagan River (non ALR pasture land)
EAST: Rural residential within the ALR
NORTH: Rural small holdings in the ALR

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E.033
The majority of the property is identified as having prime dominant ratings.

Official Community Plan and Designation:

Electoral Area 'D' OCP - Bylaw No. 1708 (1996)
Designation: Farmland (F)
If approved the site would require an amendment to the OCP and Zoning Bylaws.

Zoning Bylaw and Designation:

Zoning Bylaw No. 1801 (1998)
Designation: Agriculture 2 (AG2)
Minimum lot size: 20 ha

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

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

Area 'D' Regional Director Schwarz: Has indicated that he supports the application.

The Advisory Planning Commission: Supports the application.


STAFF COMMENTS:

It is recommended that the Commission consider the following.

- The 1.2 ha area has reasonably good agricultural capability. Its non-farm use would slightly reduce the agricultural capability of the parent parcel.
- A sewage treatment plant is a community infrastructure facility that is likely to be sufficient to accommodate demand for up to thirty years. Similar applications or expansion is not contemplated in the short to medium term.
- No information has been provided about the extensive land search undertaken to find this site, i.e. what sites were reviewed and why they were rejected.
- This application has been submitted in concert with a subdivision application for the ranch operation. However, the Regional District has requested that it be considered on its own merits, and not in conjunction with the other application.

END OF REPORT

Signature



Date

