



**Staff Report**  
**Application # G – 37543**  
**Applicant: 371382 BC Ltd.**  
**Agent: Doug Levell**  
**Location: Westbank**

**DATE RECEIVED:** July 10, 2007

**DATE PREPARED:** November 5, 2007

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

**FROM:** Brandy Ridout, Land Use Planner

**PROPOSAL:** To exclude the 3.7 ha subject property to develop a multi-purpose health service facility.

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

**BACKGROUND INFORMATION:**

It is indicated that 80% of the services proposed for the new centre are currently not available on the Westside. It is also stated that comparable health services are currently very limited or nonexistent in the surrounding area.

Community Health Centres, similar to the proposed Westside Centre, typically offer the following services: basic laboratory and x-ray services; outpatient ambulatory care procedures; community services such as public health, mental health, home care, and chronic care programs; primary health; and physicians' offices.

Information was provided on site selection. The process began in 2005 and eventually included a Request For Proposal (RFP) in which the public was petitioned to propose potential sites. Fourteen proposals were received - 5 for leased land, 7 ALR freehold properties, and 2 non-ALR freehold properties. The non-ALR properties were evaluated as being in poor locations, having limited developable land and/or unreasonably high lifecycle costs.

**Local Government:**

Regional District of Central Okanagan

**Legal Description of Property:**

PID: 012-087-211

Lot 11, District Lot 486, Osoyoos Division Yale District, Plan 761, EXCEPT Plan 24766

**Purchase Date:**

1996

**BACKGROUND INFORMATION (continued):**

**Location of Property:**

3525 Elliott Road, Westbank, southeast corner of Elliott and Butt Roads)

**Size of Property:**

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

**Present use of the Property:**

Designated as Agricultural Use in the OCP however the land has not been in agricultural production for 10+ years and the land is currently vacant and unoccupied.

**Surrounding Land Uses:**

**WEST:** Four residential use lots and one agricultural use lot (all within ALR)  
**SOUTH:** Single family residential use  
**EAST:** Single family residential use  
**NORTH:** Agricultural Use (non-active)

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82E.082  
The majority of the property is identified as having Prime Dominant ratings.

An on-site soils and land capability for agriculture assessment of the property was provided by H. A. Luttmending. The property is broken down into three areas – area 1 has an improved agricultural capability rating of Class 2D (undesirable soil structure), area 2 Class 3D (undesirable soil structure), and area 3 Class 3TD (topography and undesirable soil structure).

**Official Community Plan and Designation:**

Westside OCP Bylaw No. 1050  
Designation: Agricultural

**Zoning Bylaw and Designation:**

Zoning: Bylaw No. 871  
Designation: A-1 Agricultural  
Minimum Lot Size: No Minimum Lot (as determined by ALC)

**PREVIOUS APPLICATIONS:**

**Application #04975-0**

**Applicant:** West Global Holdings Ltd  
**Decision Date:** October 12, 1977  
**Proposal:** To exclude Lot 11, DL486, Plan 761 from the ALR to develop the property for low income single or multi-family residential purposes. The proposal is stage 2 of an on-going residential development.  
**Decision:** Refused - it was the Commission's belief that even though the subject parcel was bordered on two sides by residential development, the subject property could still support an agricultural operation and so was very reluctant to allow its loss to expanding residential use.

**PREVIOUS APPLICATIONS (continued):**

**Application #14724-0**

**Applicant:** West Global Holdings Ltd  
**Decision Date:** July 28, 1982  
**Proposal:** To exclude Lot 11, DL 486, Plan 761 from the ALR to develop a residential subdivision. The applicant argues that the subdivision was in the planning stages when the Act was initiated.  
**Decision:** Refused on the grounds that the subject property, as evidenced by its agricultural capability rating of (2X) and its present use, is good agricultural land and should therefore be retained in its present state for future use. In addition, the Commission noted that the property had not been officially surveyed as of December 21, 1972 and as the subdivision was in the planning stages only, prior commencement could not be legitimately used as a reason for requesting the subdivision.

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**Application #19793-0**

**Applicant:** Central Okanagan Regional District - Westbank  
**Decision Date:** January 14, 1988  
**Proposal:** Requested exclusion of 16.9 ha.  
**Decision:** Partial Approval. Cabinet approved exclusion of 7.8 ha by OIC and refused 9.1 ha by Notice-of-Determination.

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**Application #22868-0**

**Applicant:** West Global Holdings Ltd  
**Decision Date:** 1989  
**Proposal:** To exclude Lot 11 from the ALR.  
**Decision:** Refused.

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**Application #26431-0**

**Applicant:** Central Okanagan Regional District - Westbank  
**Decision Date:** June 30, 1993  
**Proposal:** Requested exclusion of 9.4 ha.  
**Decision:** Refused by Cabinet by Notice-of-Determination.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**RDCO Board:** Support application. Should the parcel be excluded from the ALR, that the Regional District establishes a Development Permit area on the subject property for protection of farming on adjacent ALR parcels at the time of future OCP amendment/rezoning.

**RDCO Staff:** Recommend support of application. Should the parcel be excluded from the ALR, that the Regional District establishes a Development Permit area on the subject property for protection of farming on adjacent ALR parcels at the time of future OCP amendment/rezoning.

**RDCO Agricultural Advisory Committee:** Two members supported the application based on community need outweighing the need to protect and retain this specific property in the ALR.

**Westside Electoral Area 'South' Advisory Planning Commission:** Based on agricultural capability alone, the application should not be supported. However, in recognition of the extensive site selection process that was undertaken and that there is a community need, the application has merit and should be supported. Would like to see a land swap so that no agricultural land is lost.

**OTHER COMMENTS:**

**Ministry of Agriculture and Lands:** Does not support the application for the following reasons:

- the purpose of the ALR is to preserve farmland for future generations, not provide less expensive land for public uses.
- the exclusion of this parcel would leave a narrower strip of ALR to its north; it can be anticipated that pressure to also exclude this land would increase.
- the proposed use by large numbers of the public would cause conflicts with agriculture on adjacent ALR land.
- lack of substantial agricultural use of the property at the present is no indication of its usefulness as farmland in the future.

**Resident:** Proposed an alternate site – located in the Bartley Road and Shannon Lake Road area, owned by the Crown, next to the Brookhaven Care Centre, centrally located for the new community and could be tied into the new community hall, is closer to the main highway, has an opportunity for land exchange with Emil Anderson Construction.

**Smith Creek Residents Association:** The population of the west side, which is 40,000 people, is health stranded because the closest hospital is over the bridge in Kelowna.

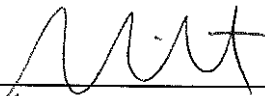
**STAFF COMMENTS:**

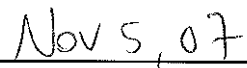
- The property has prime agricultural capability ratings.
- The property has been the subject of three previous exclusion applications by a landowner and two previous block exclusion applications. All requests for exclusion have been refused on the grounds that the property has agricultural capability.
- It is indicated that Interior Health's (IH) goal is to acquire sufficient lands for the planned centre as well as for future public health care needs over the next 20 plus years. At present only a 2 storey 3,700 square metre facility is planned. Specific plans for the remainder of the property (3.5 ha) have not been identified.
- IH believes that it has established that no other reasonable alternatives exist for the proposed development. While general information has been provided on the selection process, information on all sites considered has not been provided (e.g. map of properties).
- It is stated that the Westside area is predominantly a rural, agricultural area with limited, or non-existent, availability of non-ALR land that is commercially or institutionally suitable. The background information that led to this conclusion has not been provided (e.g. commercial/institutional land availability map).
- The Request For Proposal process assigned points based on price/development costs, location, topography, etc. but did not consider agriculture in its evaluation criteria design.
- A sales analysis was done June 22, 2007 that indicated that at that time, there were seven non-ALR properties for sale- five were considered unsuitable because of poor location, one because it was irregularly shaped and sloped, and the last because it was previously evaluated. It is not clear if agriculture was considered when determining suitability and if it was, what weight it was given (i.e. on a scale of importance, where it was located).
- IH explored the potential to mitigate this loss of agricultural land by purchasing additional land for inclusion into the ALR. The purchase of such a parcel would effectively double the cost of the land component of the project, thereby directing substantial funding away from other equally important health care needs. In addition, IH has no interest in holding and managing land that cannot be used for the purposes of the Health Authorities Act. No other options for mitigating the loss of farm land were identified.
- ALC Policy #026/92 is quoted in relation to this application, indicating that the Policy considers use of ALR land for institutional facilities when no alternative site exists. While this Policy is no longer valid, it should be noted that it also indicated that the Commission should be consulted early in the process and approval should be obtained before public funds are committed, neither of which was done.

**ATTACHMENTS:**

- Base Map 82E.083
- Air photo (1:5,000)
- Proposal information from applicant
- Additional information from applicant
- Westside Dot Density map
- Exhibit #5
- On-site Soils and Land Capability for Agricultural Assessment report
- RDCO Planning Services Department report
- Westside South Advisory Planning Commission meeting June 14, 2007
- Agricultural Advisory Committee meeting minutes from June 13, 2007

**END OF REPORT**

  
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Signature

  
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Date