



Agricultural Land Commission Staff Report

DATE: September 29, 2009
TO: Vice Chair and Commissioners - Okanagan Panel
FROM: Martin Collins

RE: Application # 50142
PROPOSAL: To expand the existing Fortis hydro line right of way for overhead hydro transmission by 0.35 ha. The recent expansion of the transmission load due to the construction of a substation at Big White necessitates the the expansion of the vegetation control zone. The existing 15 meter wide corridor will be increased by 22 meters for a total corridor width of 37 meters.

PROPOSAL INFORMATION

Background: The current right of way has been in existence for nearly 30 years.
Received Date: June 25, 2009
Applicant: FortisBC Inc.
Agent: New Town Planning Services Inc.
Local Government: Regional District of Central Okanagan

DESCRIPTION OF LAND

PID: 004-127-099
Legal Description: Lot 1 Section 15 Township 27 Osoyoos Division Yale District Plan 29949
(See Plan as to Limited Access)
Civic Address: West side of Highway 33, approx 17 km east of downtown Kelowna
Area: 1 ha
ALR Area: 1 ha
Purchase Date: July 24, 2004
Owner:

PID: 006-714-501
Legal Description: Lot A, Section 10 and 15, Township 27, Osoyoos Division of Yale District,
Plan 22826, EXCEPT Plans 29949 and KAP67506
Civic Address: Highway #33, east of Kelowna
Area: 41 ha
ALR Area: 41 ha
Purchase Date: September 26, 2000
Owner:

Total Land Area: 42 ha
Total ALR Area: 42 ha
Current Land Use: Forested land on the Heartland ranch.

PROPOSAL DETAILS

Non Farm Use

Area	Agricultural Capability	Agricultural Capability Source
0.3	Mixed Prime and Secondary	BCLI

Surrounding Land Uses:

North	Forested portion of Heartland Ranch - in the ALR
East	Highway 33, Rural residential beyond - not in the ALR
South	Forested and cleared portions of Heartland Ranch
West	Forested canyon - ALR benches beyond.

Official Community Plan

Bylaw Name: Joe Rich RLUB
Designation: Rural Tourist Commercial
OCP Compliance: Yes

Zoning

Zoning Bylaw Name: N/A
Zoning Designation:
Minimum Lot Size: ha
Zoning Compliance: Yes

PREVIOUS APPLICATIONS

Application #: 45818

Applicant: Deborah J Cameron Productions

Proposal: To use a 5.6 ha portion of the two adjoining properties for a concert site, consisting of the concert stage, parking and other temporary infrastructure that would be removed from the site upon completion of the concern season. A total of 12 concert events is being requested between May and October.

Decisions:

Resolution

Number

Decision Date

Decision Description

238

June 17, 2009

Allowed with the following conditions:

- The binding of the titles of the two properties (PID: 006-714-501 & PID: 013-582-674) by a covenant preventing their separate sale. Confirmation of the registered covenant must be provided to the Commission by November 1, 2009.
- The rescission of that portion of Resolution #343/2003 that allowed 25 cabins and a lodge (dining, conference, spa) along the top of the bank.

- The approval is granted for 1 year. At the end of the 1 year period, if the Commission is satisfied that the approval has not had a negative impact on agriculture, the approval may be extended for a 3 year term, upon the request of the applicant.
- The use of the site is limited to 12 special events per year. The Commission considers a “special event” to be the gathering of a large group of people, regardless if tickets are sold, and includes events ranging from a public concert to a church picnic.
- The only permanent structure permitted on the site is the main stage, which is planned to be 60' x 40' (18.3 m x 12.2 m) with 20' (6.1 m) wide wings on either side for the sound equipment.
- That a “no footprint” approach be adopted (with the exception of the main stage). Every structure brought on site for a specific event must be removed after that event. Structures that are considered temporary (i.e. portable outhouses) are not to be left onsite between events. The site is to be restored to its pre-event state when each event is finished.
- The submission of an report on November 1, 2009 by an independent agent describing the concert events and the property clean-up. This report must include photographs of the site (before the first event of the year and after the last event of the year), information on the agricultural use of the 5.6 ha area (i.e. was one cut of hay removed before the concert season began), a list of materials brought onsite, and any other pertinent information.
- The proposed uses are restricted to the areas outlined in the application. Satellite parking facilities and other amenities associated with the events are prohibited on other ALR lands.
- The development of a transportation strategy to minimize use of private vehicles being used to access the site and work towards limiting parking requirements on the ALR portion of the properties.
- The concert site be fenced and portable wastewater collection facilities be provided to concertgoers.
- Approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.

Application #: 39791

Applicant: KMCS Ventures Ltd

Proposal: The owners are requesting approval to allow expansion of the previously approved non-farm uses on the Eight Mile Ranch property and to allow the development of guest cabins on a portion of the adjoining property to the east.

Decisions:

Resolution Number	Decision Date	Decision Description
343	July 16, 2003	Application approved as it is consistent with the ALC's policy to encourage agri-tourism.

Application #: 16171
Applicant: West Kootenay Power & Light
Proposal: Proposed to establish a 50' easement through the properties for power line purposes and subdivide a 200' x 200' area of Lot A for the purposes of establishing a new substation.

Decisions:

Resolution Number	Decision Date	Decision Description
7119	September 13, 1977	Allowed subsection to the present 50' easement being closed by gazette.

Note: This decision established the current right of way.

Application #: 15797
Applicant: Wilfred Rometsch
Proposal: Propose to expand the "agri-tourism" uses on the 41 ha property to include a fully operational guest ranch with a 16 room lodge, 5 guest cabins, campsite and restaurant, childrens camp and petting zoo, general store, curio shop and equestrian facilities

Decisions:

Resolution Number	Decision Date	Decision Description
510	September 28, 2000	The Commission approved the request to expand the agri tourism operation subject to the preparation of a detailed site development plan with accurate dimensions showing the size and function of all proposed structures, including the facilities required for the children's camp and zoo, camping area, parking area and an appropriately sited fence to minimize impacts on the property to the east.

Committee Recommendations

Type	Recommendation	Description
Planning Staff	Approve	All electrical and community transmission and distribution lines are permitted in any land use designation.
Agricultural Advisory Committee	Approve	Regional District of Central Okanagan Agricultural Advisory Committee had no objection to the proposal.

STAFF COMMENTS

Staff suggests that the Commission consider the following:

- 1) The existing right of way was permitted by the Commission in 1977.

2) Clearing trees from a wider right of way would increase the grazing potential of the affected area. The land has limited potential for agricultural development based on the BCLI ratings (Class 5,6,7)

3) There is little, if any agricultural impact arising from the expanded utility corridor since no new support poles would be installed.

ATTACHMENTS

- 50142_AirphotoMap.pdf
- 50142_ContextMap10k.pdf
- 50142 sketch.pdf

END OF REPORT

Signature _____

Date _____