



## Agricultural Land Commission Staff Report

**DATE:** November 19, 2009  
**TO:** Vice Chair and Commissioners - Okanagan Panel  
**FROM:** Brandy Ridout  
  
**RE:** Application # 50122  
**PROPOSAL:** To exclude a 0.656 ha portion of the two subject properties (Lot A, 2.6 ha and Lot B, 4 ha) that is on the lower bench adjacent to other properties previously approved for exclusion and industrial use.

### PROPOSAL INFORMATION

**Background:** These properties were recently incorporated into the municipality.  
**Received Date:** June 26, 2009  
**Applicant:** Thorp's Concrete & Masonry Products Ltd.  
**Agent:** Bill Ross  
**Local Government:** Town of Oliver

### DESCRIPTION OF LAND

**PID:** 010-834-583  
**Legal Description:** Lot B District Lot 2450S Similkameen Division Yale District Yale District Plan 3569  
**Civic Address:** 34419 93rd Street, Oliver  
**Area:** 4 ha  
**ALR Area:** 4 ha  
**Purchase Date:** April 1, 1992  
**Owner:** Thorp's Concrete & Masonry Products Ltd.

**PID:** 010-834-559  
**Legal Description:** Lot A District Lot 2450S Similkameen Division Yale District Plan 3569 Except Plans 14185 and 20348  
**Civic Address:** 34431 93rd Street, Oliver  
**Area:** 2.6 ha  
**ALR Area:** 2.6 ha  
**Purchase Date:** April 1, 1992  
**Owner:** Thorp's Concrete & Masonry Products Ltd.

**Total Land Area:** 6.6 ha  
**Total ALR Area:** 6.6 ha

**Current Land Use:** Orchard, 3 single family dwellings, 1 double detached garage, 1 accessory building.

## PROPOSAL DETAILS

### Exclusion

| Area | Agricultural Capability | Agricultural Capability Source |
|------|-------------------------|--------------------------------|
| 0.7  | Prime                   | BCLI                           |

### Surrounding Land Uses:

|       |                           |
|-------|---------------------------|
| North | Commercial Cold Storage   |
| East  | Industrial Warehousing    |
| South | Industrial Land Zoned M-2 |
| West  | Town of Oliver Airport    |

### Official Community Plan

**Bylaw Name:** Town of Oliver OCP  
**Designation:** Agricultural  
**OCP Compliance:** No

### Zoning

**Zoning Bylaw Name:** Zoning Bylaw No. 720  
**Zoning Designation:** AG1 (Agricultural One)  
**Minimum Lot Size:** 4.0 ha  
**Zoning Compliance:** No

## RELEVANT APPLICATIONS

**Application #:** 40822

**Applicant:** Raymond & Joann Turner

**Proposal:** To exclude two adjoining properties totalling 4.7 ha from the ALR for industrial purposes.

### Decisions:

**Resolution Number**

**Decision Date**

**Decision Description**

555

November 27, 2003

The Commission allowed the exclusion of the 4.7 ha area subject to the registration of a covenant in the Commission's favor restricting the use of the excluded land to industrial uses.

**Note:** Legacy application #V-35122.

## Committee Recommendations

| Type           | Recommendation | Description   |
|----------------|----------------|---|
| Planning Staff | Approve        | Town of Oliver Development Services: Support since it is consistent with the Town's current growth and discussion with the ALC. |
| Board/Council  | Approve        | Town of Oliver Council: Approve the application to exclude and subdivide the subject lands from the Agricultural Land Reserve.  |

## STAFF COMMENTS

- The properties were previously considered for industrial use as part of the Town of Oliver Growth Boundary Study (ALR application #37228). At that time, the Commission indicated that it endorsed low land portions of Area #7 for industrial uses. Specifically it indicated support of community planning designations that facilitate the industrial development of Okanagan River floodplain portion of Area #7. However, it did not support the identification and non-farm use of the upland areas adjacent to the airport.
- The application is to exclude the low-lying portion of the properties while retaining the upland areas adjacent to the airport in the ALR.
- A letter was received from Okanagan Tree Fruit Cooperative in opposition to the exclusion on the grounds of a reduction in the agricultural land base as well as the potential for dust and contaminants resulting in significant negative consequences for the adjacent fruit packing operation.
- The Commission received complaints about soil movement/removal on the subject properties in August. The matter was investigated by compliance and enforcement and it appears as though the activity met the Regulations under the Notice of Intent criteria.

## ATTACHMENTS

50122\_ContextMap20k.pdf  
ALR air photo.pdf  
proposal air photo.pdf  
subdivision plan.pdf  
OTFC letter.pdf  
37228 decision.pdf

## END OF REPORT

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Signature

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Date