



Agricultural Land Commission Staff Report

DATE: March 8, 2010
TO: Vice Chair and Commissioners - Okanagan Panel
FROM: Brandy Ridout

RE: Application # 51107

PROPOSAL: To dedicate a 0.3 ha Statutory Right of Way (SROW) to allow for the looping of the existing water supply system. The project includes the installation of a deep-water well submersible pump into an existing pre-drilled well and piping necessary to connect the system to the existing water treatment/filtration plant and the existing two wells that are in operation. The SROW will contain the piping.

PROPOSAL INFORMATION

Background: The Commission previously allowed the Village of Lumby to subdivide a 0.15 ha lot and register SROWs on the 11.5 ha property to the west for the purpose of developing a water treatment plant.

Received Date: November 26, 2009

Applicant: Lawrence & Solange Harrison

Agent: Corporation of the Village of Lumby

Local Government: Regional District of North Okanagan

DESCRIPTION OF LAND

PID: 011-303-441

Legal Description: Lot 1 District Lot 409 Osoyoos Division Yale District Plan 1972 Except Plans B4422, 2931, 4009, B5506, B5703, 10748, 22154, 22807, 25088, and KAP56147

Civic Address: Hallier Road, Lumby

Area: 27.6 ha

ALR Area: 27.6 ha

Purchase Date: December 17, 1997

Owner: Lawrence & Solange Harrison

Total Land Area: 27.6 ha
Total ALR Area: 27.6 ha
Current Land Use: Hay field

PROPOSAL DETAILS

Non Farm Use

Area	Agricultural Capability	Agricultural Capability Source
0.3	Prime	CLI

Surrounding Land Uses:

North	ALR, hay field
East	ALR, Village of Lumby sewage lagoons
South	Non-ALR
West	Non-ALR, BC Hyrdo ROW and lines, school

Official Community Plan

Bylaw Name: OCP Electoral Areas D&E
Designation: Agricultural
OCP Compliance: Yes

Zoning

Zoning Bylaw Name: Lumby Rural
Zoning Designation: NU - Non-Urban
Minimum Lot Size: 20.0 ha
Zoning Compliance: Yes

PREVIOUS APPLICATIONS

Application #: 30793

Applicant: Rosalie & Jack Pomarenko

Proposal: To subdivide a 2 ha lot from the 30.9 ha subject property. The applicants wish to retire on the 2 ha parcel but do not qualify for consideration under the Homesite Severance Policy.

Decisions:

Resolution Number	Decision Date	Decision Description
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Note: This application was refused.

Application #: 3862

Applicant: Rosalie & Jack Pomarenko

Proposal: To exclude 3.23 ha of the 30.9 ha property to permit the expansion of the Village of Lumby sewage lagoons.

Decisions:

Resolution Number	Decision Date	Decision Description
780	September 13, 1995	Allow on the grounds of community need, no other suitable location available and the Commission acknowledged in the Community Plan Review that ALR land may be required for this purpose. The decision is subject to: 1) the preservation of all topsoil excavated from the

property to construct the lagoons themselves and to the removal of topsoil from the area identified as future works yard. This topsoil should be offered first to the property owner of the parent parcel.

2) Buffering and vegetative screening as per the sales agreement

3) Submission of an engineered drainage plan to provide assurance that the adjacent property will not be negatively impacted due to the proposed works.

Note: This application excluded the eastern 3.23 ha portion of the property.

RELEVANT APPLICATIONS

Application #: 41180

Applicant: Lumby

Proposal: To subdivide off a 0.15 ha lot and statutory rights of way from the 11.5 ha property for the purpose of developing a water treatment plant for the Village of Lumby.

Decisions:

Resolution

Number

245

Decision Date

June 2, 2004

Decision Description

The Commission allowed the application for a statutory right of way for a potable water treatment facility for the Village of Lumby due to community need.

STAFF COMMENTS

- The SROW will be 8 m wide at the south end of the property (a 3 m BC Hydro ROW already exists so 5 m extra is required) and narrow to 3 m wide approximately halfway up the property.
- The 8 m area will be left crop-ready after the pipes are installed.
- The 3 m strip was originally proposed to be used as an access road into the treatment plant as used by the farmer as access/trail for moving irrigation. The Village is willing to not put an access road over the 3 m area and leave the area crop-ready if the Commission requires.
- The ROW cannot be located to the west in the BC Hydro ROW as they will not permit any works within their pole area.
- The possibility of locating the ROW within the school property was not received favourably.
- The affected farmer has no objections to the proposal. He has indicated that he has agreed to a gravel road along the fence and on to the pumphouse and has requested that a gate be put in at the entrance to his property.

ATTACHMENTS

proposal details.pdf

51107_ContextMap10k.pdf

51107_ContextMap50k.pdf

51107_AirphotoMap5k.pdf

END OF REPORT

Signature

Date
