



Agricultural Land Commission Staff Report

DATE: July 7, 2010
TO: Vice Chair and Commissioners - Okanagan Panel
FROM: Martin Collins

RE: Application # 51715
PROPOSAL: To exclude 23 parcels totaling 15.7 ha from the ALR in the southeast Meadowlark area of Osoyoos. The block is bounded by 74th ave to the North, 62nd Ave to the South, Highway 97 to the east and Meadowlark Drive to the west.

PROPOSAL INFORMATION

Background: The Commission concurred with the 2006 OCP designation of the 15.7 ha block as a "growth area". One of the 1.6 ha parcels has conditional approval for exclusion (as per Res. #13/2001) because of an existing non farm use.

Received Date: May 3, 2010
Applicant: Town of Osoyoos
Agent: N/A
Local Government: Town of Osoyoos

DESCRIPTION OF LAND

PID: 002-364-751
Legal Description: Lot 560 District Lot 2450S Similkameen Division Yale District Plan 1949 Except Plans "B" 3664, 17282, 21474 and 34499

Civic Address:

Area: 2.4 ha
ALR Area: 2.4 ha
Purchase Date: January 20, 2009
Owner: Town of Osoyoos

PID: 007-509-545
Legal Description: Lot 1 District Lot 2450S Similkameen Division Yale District Plan 21474
Civic Address:

Area: .2 ha
ALR Area: .2 ha
Purchase Date: April 8, 2002
Owner: Jose & Sherry Fernandes

PID: 003-157-164
Legal Description: Lot 1 District Lot 2450S Similkameen Division Yale District Plan 28375

Civic Address:

Area: .1 ha
ALR Area: .1 ha
Purchase Date: July 20, 2001
Owner: Ralph & Isla Petreny

PID: 004-562-526

Legal Description: Lot 2 District Lot 2450S Similkameen Division Yale District Plan 28375

Civic Address:

Area: .1 ha
ALR Area: .1 ha
Purchase Date: April 30, 1999
Owner: Reginald & Sheila Parker

PID: 004-562-551

Legal Description: Lot 3 District Lot 2450S Similkameen Division Yale District Plan 28375

Civic Address: 7 Wren Place

Area: .1 ha
ALR Area: .1 ha
Purchase Date: January 26, 2006
Owner: Roger & Bonita Martin

PID: 004-562-585

Legal Description: Lot 4 District Lot 2450S Similkameen Division Yale District Plan 28375

Civic Address: 9 Wren Place

Area: .1 ha
ALR Area: .1 ha
Purchase Date: November 22, 2007
Owner: Roger & Bonita Martin

PID: 004-562-607

Legal Description: Lot 5 District Lot 2450S Similkameen Division Yale District Plan 28375

Civic Address:

Area: .1 ha
ALR Area: .1 ha
Purchase Date: August 8, 2003
Owner: Terrance Boyle

PID: 004-562-623

Legal Description: Lot 6 District Lot 2450S Similkameen Division Yale District Plan 28375

Civic Address: 6 Wren Place
Area: .1 ha
ALR Area: .1 ha
Purchase Date: November 15, 2004
Owner: Michael & Elsie Ramberg

PID: 009-793-178
Legal Description: Lot 1 District Lot 2450S Similkameen Division Yale District Plan 8673
Civic Address:
Area: .1 ha
ALR Area: .1 ha
Purchase Date: November 18, 1982
Owner:

PID: 009-793-194
Legal Description: Lot 2 District Lot 2450S Similkameen Division Yale District Plan 8673
Civic Address:
Area: .1 ha
ALR Area: .1 ha
Purchase Date: July 31, 2008
Owner: Satbir & Jaspreet Panag

PID: 005-052-114
Legal Description: Lot 3 District Lot 2450S Similkameen Division Yale District Plan 8673
Civic Address:
Area: .9 ha
ALR Area: .9 ha
Purchase Date: February 13, 1996
Owner: Jane & John Slater

PID: 009-789-588
Legal Description: Lot A District Lot 2450S Similkameen Division Yale District Plan 8612
Civic Address:
Area: .2 ha
ALR Area: .2 ha
Purchase Date: April 30, 2002
Owner: Silvano & Lucia Artuso

PID: 002-158-019
Legal Description: Lot 2 District Lot 2450S Similkameen Division Yale District Plan 5584 Except

Plan 9055
Civic Address: 10129 74 Avenue
Area: 2.3 ha
ALR Area: 2.3 ha
Purchase Date: September 18, 1985
Owner: Dennis & Beverly Moreira

PID: 002-699-184
Legal Description: Lot 1 District Lot 2450S Similkameen Division Yale District Plan 36142
Civic Address:
Area: .2 ha
ALR Area: .2 ha
Purchase Date: August 18, 2008
Owners: 0724761 BC Ltd
Charles Loewen
ML Properties Ltd
Suderman Investments Ltd

PID: 002-699-192
Legal Description: Lot 2 District Lot 2450S Similkameen Division Yale District Plan 36142
Civic Address:
Area: .2 ha
ALR Area: .2 ha
Purchase Date: August 24, 2000
Owner: Sharon Pittet

PID: 010-289-992
Legal Description: Lot 3 District Lot 2450S Similkameen Division Yale District Plan 5584
Civic Address:
Area: .2 ha
ALR Area: .2 ha
Purchase Date: July 11, 2008
Owner: Simone & John Lafrance

PID: 009-337-911
Legal Description: Lot A District Lot 2450S Similkameen Division Yale District Plan 12897
Civic Address:
Area: .3 ha
ALR Area: .3 ha
Purchase Date: June 23, 2008
Owner: Karen Pfingsttag

PID: 004-450-116
Legal Description: Lot 1 District Lot 2450S Similkameen Division Yale District Plan 28953
Civic Address:
Area: 1 ha
ALR Area: 1 ha
Purchase Date: May 28, 2004
Owner: Gregory & Bonnie Douglas

PID: 004-450-124
Legal Description: Lot 2 District Lot 2450S Similkameen Division Yale District Plan 28953
Civic Address: Osoyoos Lake
Area: 1.6 ha
ALR Area: 1.6 ha
Purchase Date: March 2, 2009
Owner: Osoyoos Baptist Church

PID: 007-771-631
Legal Description: Lot A District Lot 2450S Similkameen Division Yale District Plan 20636
Civic Address:
Area: 1 ha
ALR Area: 1 ha
Purchase Date: August 16, 1991
Owner:

PID: 025-661-604
Legal Description: Lot B District Lot 2450S Similkameen Division Yale District Plan KAP73390
Civic Address:
Area: 3.7 ha
ALR Area: 3.7 ha
Purchase Date: December 23, 2009
Owners: Attar & Parwinder Dhaliwal
Kirpal & Mukhtiar Sidhu

PID: 004-562-640
Legal Description: Lot 7 District Lot 2450S Similkameen Division Yale District Plan 28375
Civic Address:
Area: .1 ha
ALR Area: .1 ha
Purchase Date: April 14, 1987

Owner: Richard & Eleanor Schmidt

PID: 007-329-938

Legal Description: Lot 3 District Lot 2450S Similkameen Division Yale District Plan 21683

Civic Address: 6806 97th Street

Area: .1 ha

ALR Area: .1 ha

Purchase Date: January 27, 2010

Owners: Jared Law
Kristen Garner

Total Land Area: 15.2 ha

Total ALR Area: 15.2 ha

Current Land Use: Suburban residential, orchard, greenhouses church, rural residential, kettle pond.

PROPOSAL DETAILS

Exclusion

Area	Agricultural Capability	Agricultural Capability Source
15.7	Prime	BCLI

Surrounding Land Uses:

North	74th Avenue; Motel/Mobile Home Park, Agriculture
East	Highway 97; Single family dwellings, arena/curling rink, Church, auto parts shop
South	62nd Avenue, single and two-family dwellings, church agriculture
West	Large (4 ha) agricultural parcels

Official Community Plan

Bylaw Name: Town of Osoyoos Southeast Meadowlark Area Plan

Designation: Medium Density Residential

OCP Compliance: Yes

Zoning

Zoning Bylaw Name: Town of Osoyoos Zoning Bylaw

Zoning Designation: Agricultural

Minimum Lot Size: 2.0 ha

Zoning Compliance: No

PREVIOUS APPLICATIONS

Application #: 16653

Applicant: Urban Connections
Proposal: To exclude 16 properties totalling 20 ha on the grounds the lands have limited agricultural capability.

Decisions:

Resolution Number	Decision Date	Decision Description
13	April 17, 2001	The Commission allowed the exclusion of approximately 20 ha on the grounds the lands are used for non farm uses or have limited agricultural potential due to soil/and or locational circumstances. As a condition of approval, several properties must establish a 6 meter wide covenant area where there properties abut the ALR, and plant a vegetative buffer within that area.

Note: Although this application affected various properties throughout the Town, one of the subject properties, a 1.6 ha lot was conditionally excluded in the south Meadowlark area on the grounds of pre-existing non farm uses (Elks Hall).

Committee Recommendations

Type	Recommendation	Description
Board/Council	Approve	The Town of Osoyoos Council forwarded the application with a recommendation of support.

STAFF COMMENTS

Staff suggest that the Commission consider the following:

- 1) The 15.7 ha area proposed for exclusion is comprised of 23 parcels. Approximately 34% (5.4 ha) cannot be used for agriculture due to small parcel sizes, existing non farm uses, and the presence of a small kettle pond (1.8 ha). Approximately 10.4 ha has potential for agricultural development, or is used for agriculture.
- 2) About 40% (7 ha) of the exclusion area is currently used for agriculture. The soil capability ratings indicate that the 10.4 ha area which has potential to be used for agriculture has very good agricultural capability (CLI Class 2 - 3).
- 3) The Commission endorsed the non farm designation of the ~16 ha Southeast Meadowlark area in 2006 as a result of the Town of Osoyoos OCP review. The 2006 Osoyoos OCP identified ~60 ha of ALR in the Meadowlark area for urban growth. However, the Commission refused 45 ha for urban growth area because the land had excellent capability for agricultural development.
- 4) The Commission's rationale for endorsing ~16 ha in Southeast Meadowlark for urban expansion was because the area had limited suitability for agriculture due to the presence of small parcels, a previous 1.6 ha exclusion, and a large kettle pond. As a condition of its endorsement of the OCP the Commission required that the Town develop policies that would support affordable housing in the Meadowlark area. Affordable housing was identified as a compelling community need.
- 5) The Commission reviewed and conditionally endorsed the Southeast Meadowlark Area Plan in April 2010 on the grounds it committed to appropriate densities (30 units per hectare for a total of 270 units) and affordability (15% or 40 units). However as a condition of approval the Commission required that the remaining ALR lands in the Meadowlark area that are designated for growth be deleted from the OCP.

6) The Town deleted 30 ha of ALR from the future growth area, but retained 10 ha for future growth lying directly north of the Southeast Meadowlark Planning Area. The Commission, in a letter dated April 6, 2010 indicated that retaining an additional 10 ha for future urban growth is inconsistent with the provincial interest.

7) Town staff has indicated that it would prefer that all of the parcels be excluded unconditionally, It believes that buffering and setback provisions in the Town's existing Farming Interface Development Permit Area (FIDPA) guidelines are sufficient to ensure that ALR farms are appropriately buffered from residential development.

The guidelines are attached to this report. It is noted that the FIDPA guidelines establish 30 meter residential building setback from the ALR boundary - taking into account road right of way. The SE Meadowlark Area Plan shows the ALR boundary buffered by 10 - 15 m wide road right of way throughout much of its length, with the exception of a relatively short ~100 meter portion. The FIDPA guidelines reference the MAL "Edge Planning Guide" and the ALC "Landscape Buffer Specifications".

ATTACHMENTS

- 51715_ContextMap10k.pdf
- 51715_AirphotoMap5k.pdf
- 51715 Meadowlark Area Plan 2009 planning correspondence.pdf
- 51715 2006 Meadowlark endorsement.pdf
- Farm Interface Development Permit Area.pdf

END OF REPORT

Signature

Date