



## Agricultural Land Commission Staff Report

**DATE:** August 27, 2010  
**TO:** Vice Chair and Commissioners - Okanagan Panel  
**FROM:** Martin Collins

**RE:** Application # 51743  
**PROPOSAL:** To include 31.4 ha into the ALR. The majority of the 31.4 ha area does not have agricultural potential. It is estimated that 6.5 ha, comprising two separate small bench areas (2.6 and 3.9 ha) are arable.

### PROPOSAL INFORMATION

**Background:** The subject parcel currently lies in an "Environmentally Sensitive Development Permit Area" (ESDP). Inclusion of the 6.5 ha area into the ALR would exempt these areas from the necessity of achieving the ESDP bylaw requirements.

**Received Date:** May 17, 2010  
**Applicant:** Michael Oran  
**Agent:** McElhanney Associates Land Surveying Ltd  
**Local Government:** Regional District of Okanagan-Similkameen

### DESCRIPTION OF LAND

**PID:** 014-968-061  
**Legal Description:** Block A of District Lot 1052S Similkameen Division Yale District  
**Civic Address:** West bench of the valley near 296th Avenue, Electoral Area 'C'  
**Area:** 31.4 ha  
**ALR Area:** 0 ha  
**Purchase Date:** September 29, 2006  
**Owner:** Michael Oran

**Total Land Area:** 31.4 ha  
**Total ALR Area:** 0 ha  
**Current Land Use:** Vacant grasslands

### PROPOSAL DETAILS

Inclusion Area	Agricultural Capability	Agricultural Capability Source
31.4	Mixed Prime and Secondary	On-Site

**Surrounding Land Uses:**

North Vacant hillside (grassland), orchards in the ALR  
East Vacant hillside (grassland), orchards in the ALR  
South Vacant grassland - not in the ALR  
West Vacant grassland - not in the ALR

**Official Community Plan**

**Bylaw Name:** Electoral Area C OCP, Bylaw # 2452  
**Designation:** Resource Area  
**OCP Compliance:** No

**Zoning**

**Zoning Bylaw Name:** Bylaw # 2453  
**Zoning Designation:** Resource Area  
**Minimum Lot Size:** 20.0 ha  
**Zoning Compliance:** No

**PREVIOUS APPLICATIONS**

**Application #:** 44919  
**Applicant:** Gazelle Enterprises Inc.  
**Proposal:** To exclude the 3.6 ha subject property in Oliver and include a 6.5 ha portion of a 31.4 ha non-ALR property in Electoral Area 'C' into the Agricultural Land Reserve.

**Decisions:**

Resolution Number	Decision Date	Decision Description
806	November 28, 2008	The Commission refused the exclusion application as proposed on the grounds the land had very good capability for agriculture. In addition the lands proposed for inclusion were not, in the Commission's view, as capable as the lands proposed for exclusion.

**Note:** The Commission did not consider the land proposed for inclusion to have similar capability to the land proposed for exclusion. Furthermore the impacts of exclusion would have been more severe than the benefits arising from inclusion and agricultural development.

**RELEVANT APPLICATIONS**

**Application #:** 45525  
**Applicant:** 69 Ranch  
**Proposal:** To include approximately 16.2 ha into the Agricultural Land Reserve to satisfy a condition of approval under Resolution #435/2008 (application #V-38128).

**Decisions:**

Resolution Number	Decision Date	Decision Description
744	November 28, 2008	Allowed

**Application #:** 44991  
**Applicant:** 69 Ranch

**Proposal:** To subdivide a 24.6 ha lot from the 112.5 ha subject property in order to permit expansion of an adjacent vineyard operation. Approximately 12.8 ha of the subject property is in the ALR, the majority of which will be within the proposed lot.

**Decisions:  
Resolution**

<b>Resolution Number</b>	<b>Decision Date</b>	<b>Decision Description</b>
435	August 7, 2008	Refused as proposed. However, the Commission would allow the subdivision of the 24.6 ha lot subject to the following conditions: - Inclusion of the non-ALR portion (16 ha) of the 24.6 ha lot into the ALR. - Consolidation of the portion north of the existing road with Lot 1 Plan 28563 (approximately 1.1 ha).

**Committee Recommendations**

<b>Type</b>	<b>Recommendation</b>	<b>Description</b>
Board/Council	No Comment	The Regional District of Okanagan Similkameen Board forwarded the application without comment.
Advisory Planning Committee	Approve	The Electoral Area C APC supports the application provided the subject property is not part of any ALR land designation exchange.

**STAFF COMMENTS**

Staff suggest that the Commission consider the following:

- 1) The best available information indicates that 6.5 ha of the 31 ha property has good capability for grape production. The on-site soil capability ratings indicate that the land has unimproved ratings of 6AT (5T), which improves to (\*3 T) for tree fruit and grape production.
- 2) The inclusion of the entire 31 ha property into the ALR is not warranted because the majority of the property has no agricultural potential.
- 3) The grape atlas does not assess the subject lands. However, adjoining and nearby east facing hillsides are assessed as having very good grape growing potential based on climate and soils.
- 4) The inclusion of the 6.5 ha arable area into the ALR would mean that the landowner is exempt from having to apply for an Environmentally Sensitive Development Permit from the Regional District. The property is part of a large contiguous hillside of grassland ecosystem. The Sensitive Ecosystem Inventory shows the majority of the property to be late seral grasslands in good condition. These grasslands are red-listed "Big Sagebrush - bluebunch wheatgrass" and are priority ranked for ecosystem protection by the province.
- 5) If the agriculturally capable areas are developed there is potential for landscape fragmentation and invasion by non native species.
- 6) The Commission did not include the 6.5 ha area into the ALR when it reviewed application V-38065. The application was for the exclusion of 3.6 ha adjoining Highway #97. The Commission expressed concern that the 6.5 ha area was unproven for agricultural development.
- 7) The Commission did include ~16 ha of similar capability land to the north in 2008 which was

planned to be developed for grape production.

## **ATTACHMENTS**

51743\_AirphotoMap20k.pdf

51743\_ContextMap20k.pdf

51743 on-site soils ratings.pdf

## **END OF REPORT**

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**Signature**

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**Date**