



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604-660-7000
Fax: 604-660-7033
www.alc.gov.bc.ca

March 14, 2007

Reply to the attention of Brandy Ridout
ALC File: #G - 37151

Keith Funk
New Town Planning Services
1450 Pandosy Street
Kelowna, BC V1Y 1P3

Dear Sir:

Re: Application to use ALR land for non farm purposes

Please find attached the Minutes of Resolution # 28/2007 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: City of Kelowna (#A06-0019)
Gabriel and Linda Coupal, 1789 Munson Road, Kelowna, BC V1W 2G8

Enclosure: Minutes

MC/lv
37151d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on February 14, 2007 in Penticton, B.C.

PRESENT:	Sue Irvine	Chair, Okanagan Panel
	Sharon McCoubrey	Commissioner
	Sid Sidhu	Commissioner
	Jennifer Carson	Staff
	Martin Collins	Staff

For Consideration

Application: # G - 37151
Applicant: Gabriel and Linda Coupal
Agent: New Town Planning Services
Proposal: To expand FortisBC's operations onto the 2.6 ha adjoining property. FortisBC's use of the existing 1.2 ha property predates the ALR.
Legal: PID: 012-403-717
Lot 7, Parcel B on Plan B6522, District Lot 130, Osoyoos Division of Yale District, Plan 415, EXCEPT Plans 18843 and KAP64190;
Location: 1789 Munson Road, Kelowna

Site Inspection

A site inspection was conducted on Tuesday, February 13, 2006. Those in attendance were:

- Sue Irvine Chair, Okanagan Panel
- Sharon McCoubrey Commissioner
- Sid Sidhu Commissioner
- Jennifer Carson Staff
- Martin Collins Staff
- Linda Douglas Fortis Facilities Manager
- Al Clarke FortisBC
- Keith Funk New Town Planning Services

Linda Douglas/Keith Funk confirmed that the staff report dated January 22, 2007 was received and no errors were identified.

The Commission viewed the property, noting that it was cultivated in strawberries, and had very few limitations for agricultural development. The Commission was reminded that the FortisBC (previously West Kootenay Power and Light) use of the adjoining 1.2 ha property predated the ALR, and had been approved for more intensive uses in 2001 by the Commission. FortisBC is requesting the 2.6 ha expansion to improve operational and maintenance efficiencies, and avoid the need to purchase and relocate elsewhere in the city. It was also pointed out that the development offered the ancillary advantage of improving access and safety between Benvoulin Rd and the adjoining school (so that it could use Munson Rd rather than directly access Benvoulin Rd.). The applicant also suggested that it was also possible to design the expansion so that the land to be reclaimed for agricultural uses should the proposed storage use cease.

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

Discussion

Assessment of Agricultural Capability and Suitability

The Commission confirmed that the land had very good capability for agriculture and that no external factors such as encroaching non-farm development made the land unsuitable for agriculture.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission was very concerned about the potential impact of converting 2.6 ha of productive land to a light industrial use. The Commission did not believe it likely that this high capability agricultural land would ever be returned to agricultural production, and that in the future, should FortisBC come up against the constraints of the expanded site (deemed inevitable as Kelowna grows) that additional ALR land would be requested. The Commission was also very concerned about the potential for expanded non farm uses to increase non farm pressures on Benvoulin Rd., which is a very busy arterial, and has a significant amount of pre-ALR non farm development.

The Commission considered the impact of FortisBC being forced to move to another location should the application not be approved. The Commission was advised during the site discussion that the land costs of another larger, non ALR site are significant, and that the utility was uncertain whether the B.C. Utilities Commission would allow an increase in electricity rates to finance such an expansion.

The Commission was not convinced that FortisBC did not have (or could not access) the resources necessary to re-locate a central maintenance operations centre outside the ALR, or that it would be debilitating to the company to continue operating with several maintenance and storage facilities scattered throughout Kelowna. The Commission concurred with the City of Kelowna staff recommendation that it might be appropriate for FortisBC to relocate given its present constraints in this ALR area.

Conclusions

1. That the land under application has very good agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will negatively impact agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Sid Sidhu

SECONDED BY: Commissioner Sue Irvine

THAT the application to use 2.6 ha for light industrial uses be refused.

CARRIED

Resolution # 28/2007



Staff Report
Application # G – 37151
Applicant: Gabriel and Linda Coupal
Agent: New Town Planning Services
Location: Kelowna

DATE RECEIVED: January 5, 2007

DATE PREPARED: January 22, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To expand Fortis BC's operations onto the 2.6 ha subject property to accommodate materials storage (poles/transformers) and parking.

This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The non-farm use of the 1.2 ha adjoining property predates the ALR (1969). In 2001, under application #G-33943 the Commission allowed the expansion of the facility with conditions.

In 2006, because of congestion concerns associated with the limited Benvoulin yard space, Fortis BC leased additional properties to facilitate materials handling and storage. These sites are not located in the immediate vicinity of the Operations Centre and are only available on a short-term basis. Fortis is requesting the expansion onto the 2.6 ha property as it would eliminate the multiple storage sites, improve operational efficiencies and reduce costs. It is projected that the proposed expansion would meet the needs of Fortis for at least 15 years.

Local Government:

City of Kelowna

Legal Description of Property:

PID: 012-403-717

Lot 7, Parcel B on Plan B6522, District Lot 130, Osoyoos Division Yale District, Plan 415, EXCEPT Plans 18843 and KAP64190

Purchase Date:

1971

BACKGROUND INFORMATION (continued):

Location of Property:

1789 Munson Road, Kelowna

Size of Property:

2.6 ha (The entire property is in the ALR).

Present use of the Property:

Residence, u-pick strawberry farm with gravel parking area and sales outlet, workshop, tool sheds, cabin used for storage.

Surrounding Land Uses:

WEST: Kelowna Christian School; forested land
SOUTH: Fortis BC Operations Centre on 1.2 ha
EAST: Benvoulin Road, non ALR rural residences beyond
NORTH: 0.8 ha rural residential property, Munson Road

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E.083
The majority of the property is identified as having prime dominant ratings.

Official Community Plan and Designation:

OCP: Kelowna 2020
Designation: Rural/Agriculture

Zoning Bylaw and Designation:

Zoning: Bylaw No. 8000
Designation: A1 - Agriculture 1, Minimum Lot Size: 2.0 ha

PREVIOUS APPLICATIONS:

Application #14167-0

Applicant: D. Coupal
Decision Date: May 27, 1982
Proposal: To develop a golf driving range on the property.
Decision: Refused on the grounds it was incompatible with the high agricultural capability of the property.

RELEVANT APPLICATIONS:

Application #33943-0
Applicant: West Kootenay Power Ltd
Decision Date: September 25, 2001
Proposal: To legalize the existing operations facility use of the property, construct a new building (increasing its size by 2,300 square feet), and reconfigure the yard to improve circulation.
Decision: Allowed subject to buffering and mitigation on adjoining strawberry field to the north.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

City of Kelowna Council: Forwarded the application with a recommendation of support

City of Kelowna Agricultural Advisory Committee: Did not support the proposal because it would take valuable farmland out of production.

City of Kelowna Planning & Corporate Services Department: Did not support the proposal (see attached report).

STAFF COMMENTS:

- Expansion of the facility would permanently alienate 2.6 ha of prime capability agricultural land.
- Approval of the application would be inconsistent with the Commission's mandate to preserve agricultural land and with its previous decision to mitigate the impact of the use of the Fortis facility on the agricultural use of the subject property.
- Use of the land for industrial purposes would raise expectations of land use change along Benvoulin Road to the detriment of the remaining ALR lands adjacent to Benvoulin Road.
- The proposal is inconsistent with longstanding Kelowna staff recommendations that the facility be relocated to an industrial area, and the recommendation of the City of Kelowna's Agricultural Advisory Committee.

ATTACHMENTS:

- ALR Base Map (1:50,000)
- ALR Constituent Map (1:10,000)
- Applicant's sketch map showing existing site and proposed expansion area
- New Town Planning Services letter and page 62-65 of 2006 Capital Expenditure Plan
- City of Kelowna Planning & Corporate Services Department report
- Air photo

END OF REPORT



Signature

Jan 23, 07

Date