

ALC Referral Application

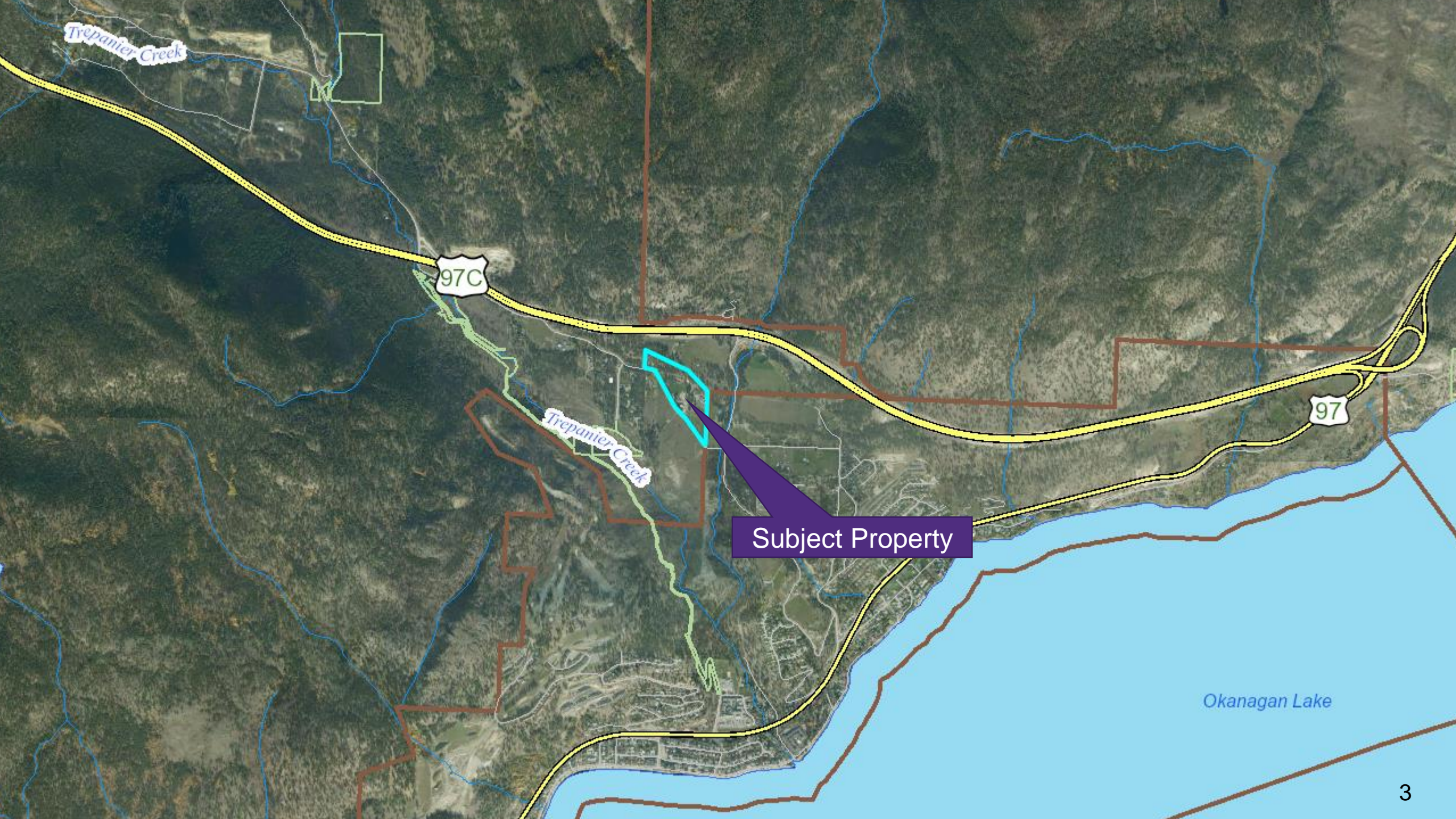
Regional Board Meeting
September 26, 2022

1450 K.L.O. Road
Kelowna, BC, V1W 3Z4
rdco.com



Purpose

- To obtain Agricultural Land Commission (ALC) approval to allow a soil use on a portion of the subject property.



Trepanier Creek

97C

Trepanier Creek

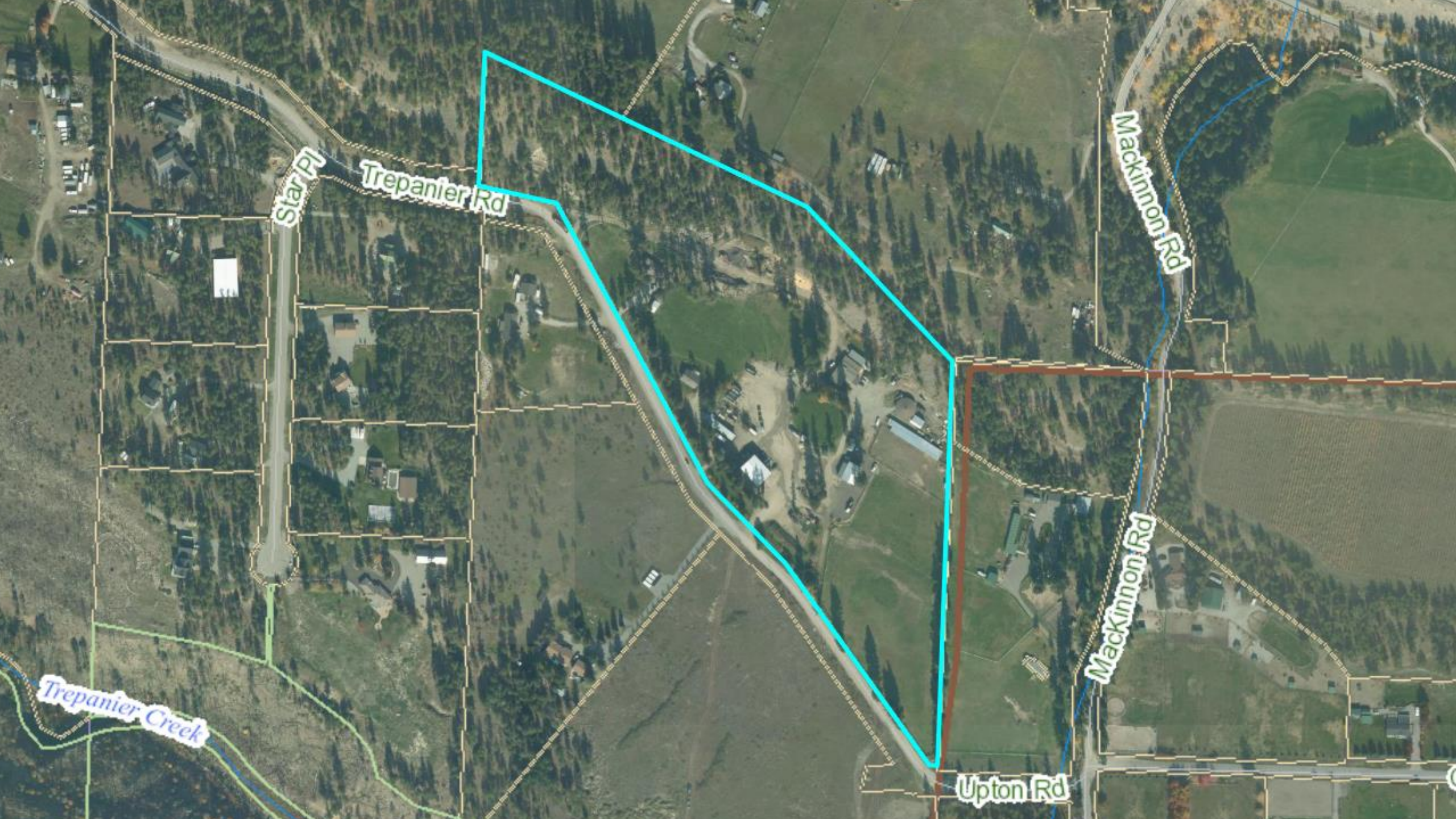
Subject Property

97

Okanagan Lake



Subject Property



Star Pl

Trepanier Rd

Mackinnon Rd

Mackinnon Rd

Upton Rd

Trepanier Creek



Background

The subject property is developed with:

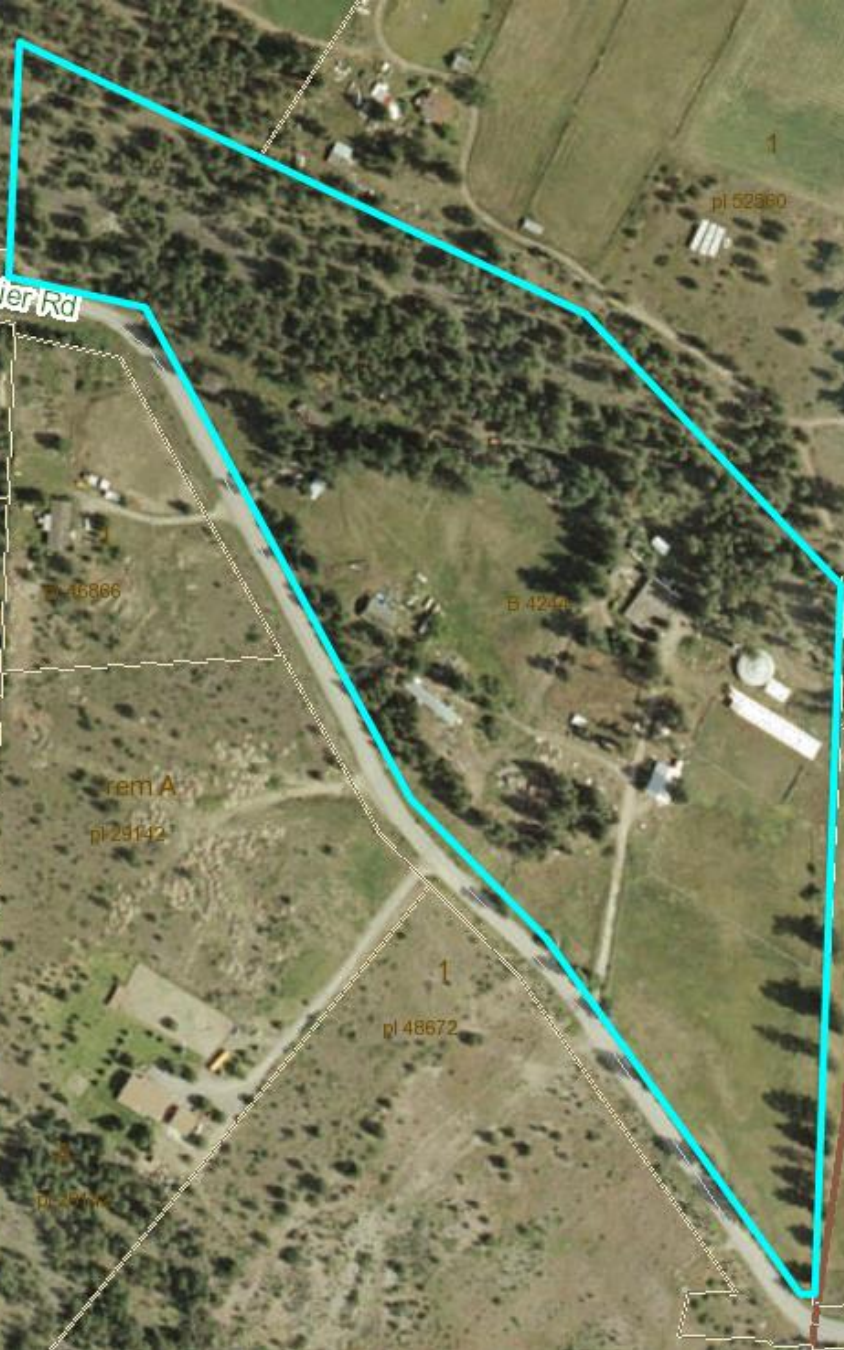
- Three residences (red)
- Two workshops (blue)
- Equestrian facilities (yellow)
- Accessory buildings (green)

History

- Previous business – Gil Barry Contracting
- Property purchase by Civil-X Contracting in 2019
- Business licenses issued from 1999 to 2020

History

- Complaints regarding fill and commercial activity
 - September 2019 – Fill deposition
 - December 2019 – Letter from the ALC
 - September 2020 – Fill removal
 - December 2020 – Fill removal
- Business License cancelled in 2020 due to compliance issues



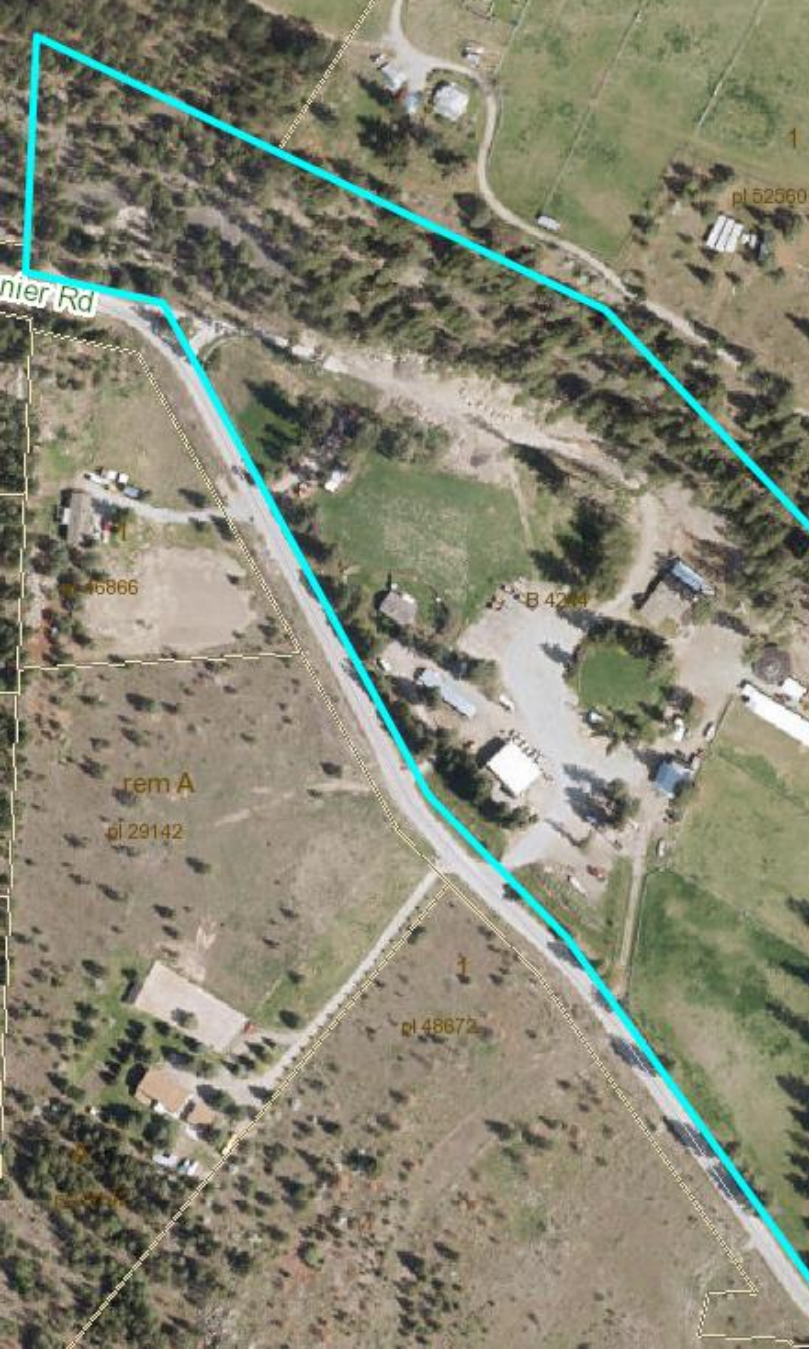
2003-2008



2009



2012



2014-2015



2017



2018-2019

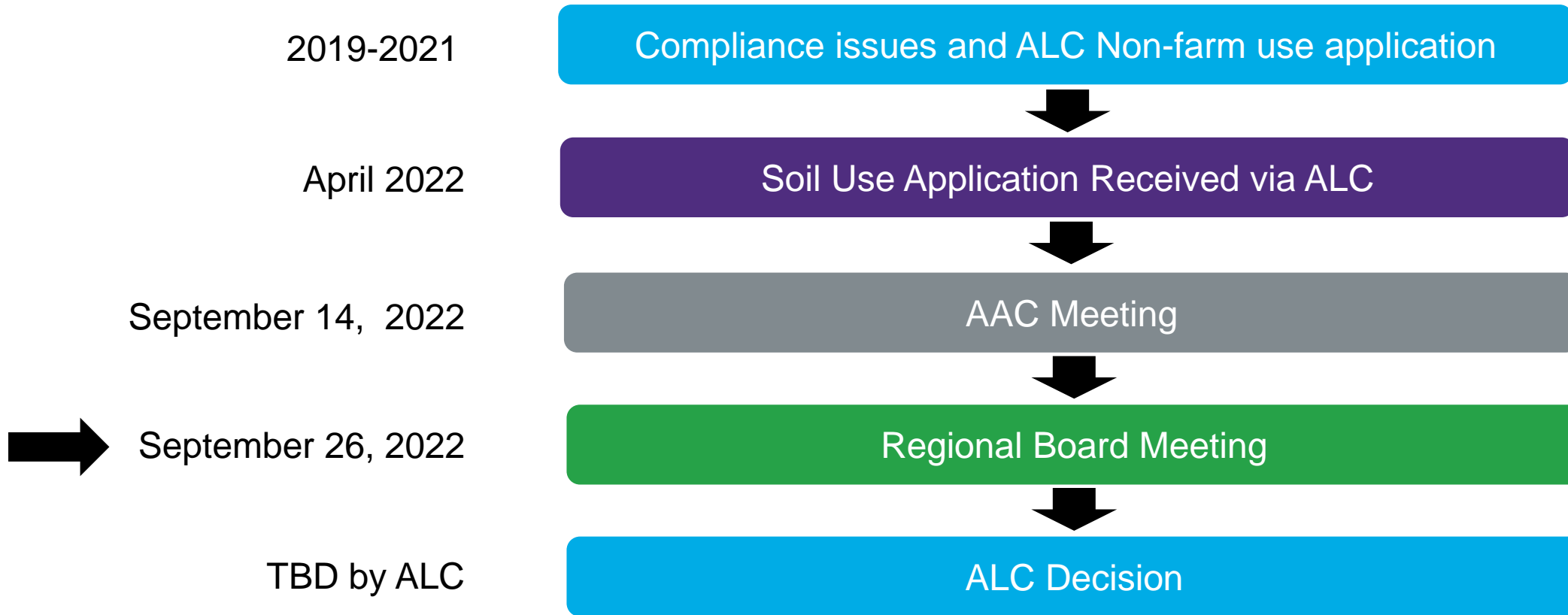
10



History

- Application received in April 2021 for non-farm use
- Purpose was to operate a civic contracting business
- Not supported by the Regional Board on November 22, 2021
- Letter from ALC to cease operation on January 21, 2022
- ALC application for Soil Use received in April 2022

Process



Proposal

- The applicant is proposing to **remove 50,000 cubic metres of gravel** and **place 50,000 cubic metres of soil** on a portion of the property.
- The purpose is to improve the agricultural capability of the land for future vineyards.



LAND DESIGNATION

- TOTAL LOT AREA=8.22 ha
- EQUESTRIAN AREA=0.88 ha
- VINEYARD AREA=4.07 ha
- NON-FARM USE WORK YARD=.67 ha
- WORKERS RESIDENCE=0.26 ha
- OWNERS HOME=0.46 ha
- SLOPE: HAND PICK & PLANT=1.86 ha

NO.	DATE	BY	REVISION	CHKD

DRAWN	Zach Rudinsky
DESIGN	Zach Rudinsky
APPROVED	
DATE	FEB 18, 2021
SCALE	
HORIZ.	Scale Bar
VERT.	

LEVEL SURVEY AND DESIGN
4945 TREPAINER RD
KAP42443
REM LOT 1-PLAN 1290 OSOYOOS DIVISION YALE DISTRICT
TOPO & LAND DESIGNATION

DRAWING NO.	1012
REA NO.	4

DRAWN	Zach Ruvinsky
DESIGN	Zach Ruvinsky
APPROVED	
DATE	FEB 18, 2021
SCALE	
HORIZ.	Scale Bar
VERT.	



Along slope looking west



Along slope looking east

Professional Reports

- Agrologist Report
 - Supports the plantings
 - Class 4 and Class 5 soil on slope for proposed soil placement
 - The site will require irrigation and additional topsoil to ensure the soil class is sufficient to support the plantings
- Geotechnical Report
 - Conclude the site is suitable for agricultural uses without compromising site drainage

Servicing



Trepanier Ditch Water Users Community



Septic Systems



Not within a RDCO Fire Protection Area

Agricultural Land Commission

Agricultural Land Commission Act (ALCA)

- An ALC Soil Use application is required to authorize the use.

Agricultural Land Reserve Use Regulations (ALRUR)

- Proposal exceed criteria permitted by ALRUR

Regional Growth Strategy

Our Land, Our Economy, and Our Food

- Protect ALR land and supporting uses
- Support sustainable agricultural activities
- Enhance local agriculture and food systems

Policies from the RGS support the proposal

Agricultural Plan

- Supports the protection of farmland and agricultural uses

The application aligns with the Agricultural Plan

Brent Road & Trepanier Official Community Plan

- Agricultural Land Use Designation
 - Supports agricultural uses
 - Consistency with the RDCO Agricultural Plan

The policies of the OCP support the proposal

Development Application Procedure Bylaw

- Does not pertain to ALC referral applications
- RDCO staff cannot require additional documents for the ALC referral application

Referral Comments

Inspection Services

- Bylaw Contravention Notice registered on title
 - Horse training pen Building Permit (1991) not finalized

Referral Comments

Agricultural Advisory Committee

- Supports the application with conditions:
 - Soil testing and approval by Professional Agrologist
 - Grading plan
 - Water license

Referral Comments

Ministry of Agriculture

- Agricultural capability may be improved through topsoil and irrigation
- It appears that portions of the property could be developed for agricultural purposes without extraction

Referral Comments

District of Peachland

- Transportation route plan to ensure no use of Peachland roads
- Construction and Development Management Plan
- Concerns regarding road maintenance
- Information regarding blasting, hammering, and on-site processing of materials
- Concerns that the proposal is too extensive

Referral Comments

No concerns from:

- Parks Services
- Engineering Services
- IHA
- MOTI

Summary

- **Proposal:**

- Extraction of gravel and placement of 50,000 cubic metres of soil

- **Aligned with:**

- Regional Growth Strategy
- Agricultural Plan
- Brent Road & Trepanier OCP

- **Referral comments:**

- Bylaw contravention notice
- Portions of the property could be farmed without the need for extraction
- Missing information for the proposal

Recommendation

AND THAT the Regional Board support Agricultural Land Commission A-22-01 for the applicant Steve Kingsnorth, to allow a soil use as outlined in the report dated September 26, 2022, subject to the following conditions:

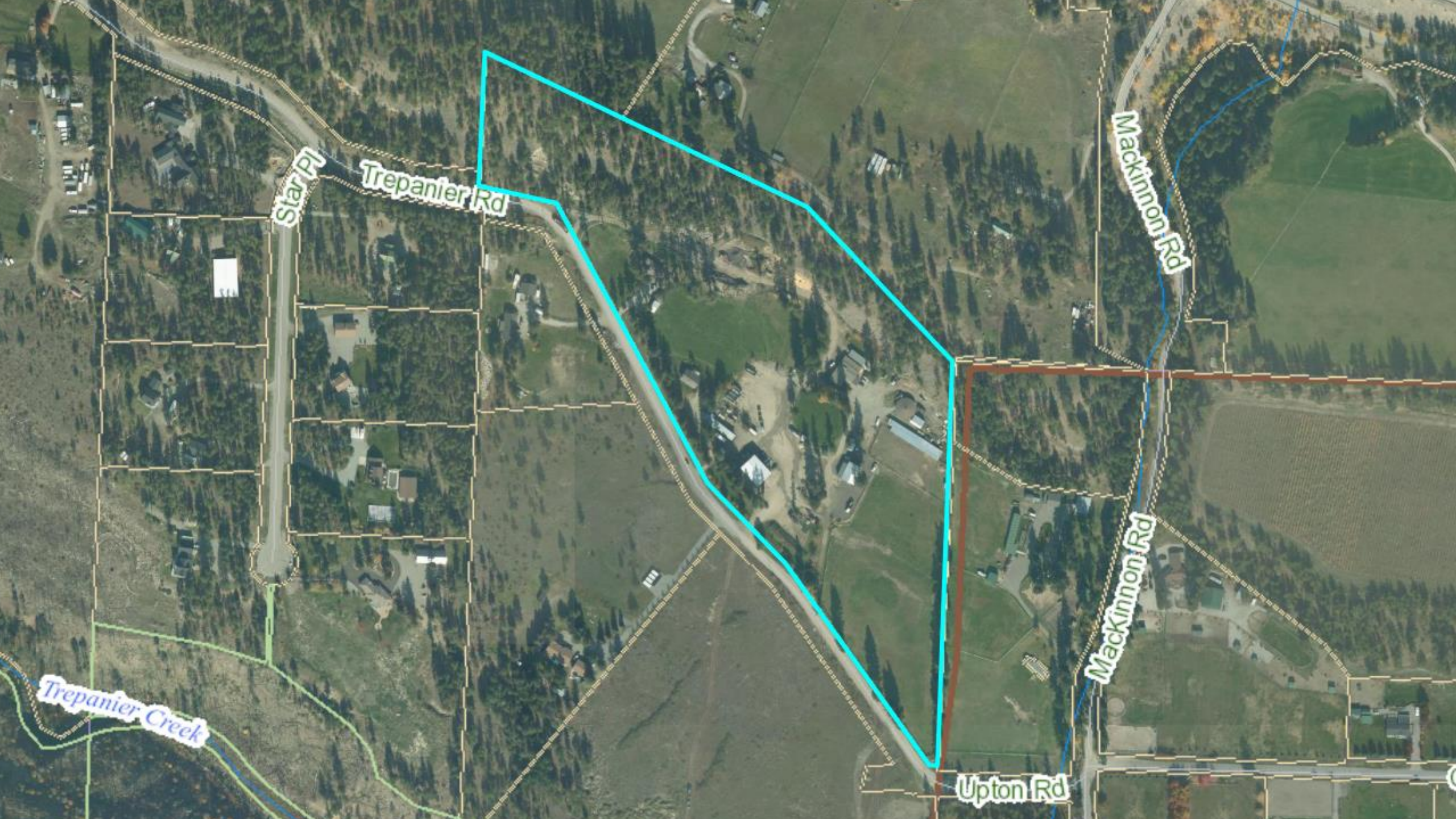
- Approval of a Water License that reflects the proposed water usage;
- Fill placed on the subject property must be assessed and approved a Professional Agrologist;
- A Grading a Reclamation Plan that outlines:
 - Current and proposed grades;
 - Treatment of excavated gravel;
- A Transportation Route Plan that outlines:
 - routes to be used by equipment
 - maintenance of roads used

Recommendation

- A Construction Management Plan that outlines:
 - site access
 - parking
 - construction duration
 - construction equipment staging
 - dust control measures
 - hours of operations
 - general safety
 - environmental concerns
 - onsite vehicle and equipment cleaning
 - proposed blasting
 - hammering
 - onsite processing of materials

Recommendation

THAT the Regional Board received the report from the Director of Community Services, dated September 26, 2022, with respect to RDCO file: A-22-01 for the property located at 4995 Trepanier Road, legally described as Part of Lot 1, District Lot 911, ODYD, Plan 1290 Shown on Plan B4244 Except Plan KAP52560.



Star Pl

Trepanier Rd

Mackinnon Rd

Mackinnon Rd

Upton Rd

Trepanier Creek