

November 21, 2024

ALC Inquiry: 102777

Colin Martin  
Regional District of Okanagan Similkameen  
101 Martin St Penticton, BC  
V2A 5J9

**Sent by email:**

Dear Colin Martin:

**RE: Bylaw No. 2800.49  
Lot 393 DL 2450s SDYD Plan 1957  
Civic: 325 Road 20 Oliver**

Thank you for the referral pertaining to the proposed rezoning of the above referenced parcel from Agriculture to Agriculture 1 Site Specific (AG1s) for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the proposed development and rezoning is consistent with the purposes of the Agricultural Land Commission Act (ALCA), the Agricultural Land Reserve General Regulation, (the "General Regulation"), the Agricultural Land Reserve Use Regulation (the "Use Regulation"), and any decisions of the ALC.

The purpose of the proposed rezoning is to accommodate 10 units of agri-tourist accommodation on the above noted parcel. As you might be aware ALC Use Regulation permits up to 10 units of agri-tourist accommodation subject to conditions (noted below).

***Agri-tourism accommodation***

***(2)The use of agricultural land for providing accommodation in relation to an agri-tourism activity is permitted if all of the following conditions are met:***

***(a)the accommodation is located on agricultural land that is classified as a farm under the Assessment Act;***

***(b)the total developed area for structures, landscaping and access for the accommodation is less than 5% of any parcel;***

***(c)the accommodation is limited to 10 sleeping units in total, including bedrooms under section 34 [tourist accommodation];***

***(d)accommodation is provided on a seasonal or short-term basis only***

**ALC Staff Comments:**

ALC staff do not have enough information in the referral to confirm whether the proposal conforms with the Regulation noted above, and thus do not support the rezoning proposal.

As you might be aware agri-tourism accommodation must be offered in conjunction with agri-tourism activities – which are not articulated in the referral information. Additionally agri-tourism accommodation has site coverage limits < 5% which again are not articulated in the referral. In light of these deficiencies, ALC staff cannot support the rezoning proposal at this time. It is recommended that in order to ascertain the ALC's perspective on the proposed rezoning that an ALC non-farm use application be submitted.

It is also ALC staff's understanding that the proposal is inconsistent with the Regional District bylaws in that the applicant is suggesting that consolidation of 10 agri-tourism units on one of the two parcels that make up the "farm" operation owned by the applicant is more efficient than constructing two five unit parcels on each of the adjacent parcels. ALC staff do not find this argument compelling as the parcels will not necessarily be retained together and held by the same owners in the long term. In addition registering a restrictive covenant against the title of the 4114 Highway 97 (prohibiting agri-tourist accommodation) does not necessarily serve any future farmer/owner of that parcel that might want to diversify income by offering agri-tourist accommodation.

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The ALC strives to provide a detailed response to all bylaw referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft bylaw provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulations, or any Orders of the Commission.

This response does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

If you have any questions about the above comments, please contact the undersigned a by e-mail ([martin.collins@gov.bc.ca](mailto:martin.collins@gov.bc.ca) ).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

*Martin Collins*

Martin Collins, Regional Planner

CC: Ministry of Agriculture – Attention: Alison Fox

## Lauri Feindell

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**From:** Danielson, Steven <Steven.Danielson@fortisbc.com>  
**Sent:** December 2, 2024 4:22 PM  
**To:** Planning  
**Subject:** Road 20, 325, RDOS (C2024.016-ZONE)

Some people who received this message don't often get email from steven.danielson@fortisbc.com. [Learn why this is important](#)

With respect to the above noted file,

### Land Rights Comments

- There are no immediate concerns or requests for additional land rights, however there may be additional land rights requested stemming from changes to the existing FortisBC Electric ("FBC(E)") services, if required.

### Operational & Design Comments

- There are FortisBC Electric ("FBC(E)") primary distribution facilities along Road 20 and Highway 97 S.
- All costs and land right requirements associated with changes to the existing servicing are the responsibility of the applicant.
- The applicant and/or property owner are responsible for maintaining safe limits of approach around all existing electrical facilities within and outside the property boundaries.
- For any changes to the existing service, the applicant must contact an FBC(E) designer as noted below for more details regarding design, servicing solutions, and land right requirements.

**In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847).** Please have the following information available in order for FBC(E) to set up the file when you call.

- Electrician's Name and Phone number
- [FortisBC Total Connected Load Form](#)
- Other technical information relative to electrical servicing

For more information, please refer to FBC(E)'s overhead and underground design requirements:

FortisBC Overhead Design Requirements

<http://fortisbc.com/ServiceMeterGuide>

FortisBC Underground Design Specification

<http://www.fortisbc.com/InstallGuide>

If you have any questions or comments, please contact us at your convenience.

Best Regards,

**Steve Danielson, AACI, SR/WA**  
**Contract Land Agent | Property Services | FortisBC Inc.**  
2850 Benvoulin Rd

Kelowna, BC V1W 2E3  
Mobile: 250.681.3365  
Fax: 1.866.636.6171  
[FBCLands@fortisbc.com](mailto:FBCLands@fortisbc.com)



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Your File #: C2024.016-ZONE  
(Dhaliwal)  
eDAS File #: 2024-05818  
Date: December 5, 2024

Regional District Okanagan Similkameen  
101 Martin Street  
Penticton, BC V2A 5J9

Attention: Lauri Feindell, Planning Secretary

**Re: Proposed Zoning Amendment Bylaw 2800.49 for:  
Lot 393, District Lot 2450s, SDYD, Plan KAP1957  
325 Road 20, Oliver, BC**

Preliminary Approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the *Transportation Act*, subject to the following conditions:

- 1) Submission of a detailed drawing showing how stormwater will be retained on-site.
- 2) An application shall be made to the Ministry to obtain an Access Permit to/from Road 20 for the proposed multi-unit development on the property.

*\*\*Please note, the same detailed design drawing required for the proposed on-site stormwater retention, can also include the required information to support the Access application, such as number of parking stalls, proposed access location, dimension of the access, existing utility infrastructure on Road 20 and sight distance measurements from the proposed access.*

- 3) No direct access to and/or from Highway 97 will be permitted.

Yours truly,

Rob Bitte  
Development Officer

Local District Address
Penticton Area Office 102 Industrial Place Penticton, BC V2A 7C8 Canada Phone: (250) 712-3660 Fax: (250) 490-2231


# RESPONSE SUMMARY

## AMENDMENT BYLAW NOS. 2800.49

- Approval Recommended for Reasons Outlined Below
- Approval Recommended Subject to Conditions Below
- Interests Unaffected by Bylaw
- Approval Not Recommended Due to Reasons Outlined Below

Only comment is from Public Works Department:

We anticipate the domestic water service will need to be up-sized to accommodate this development. Staff is not certain if the service will be connected to a 4" or 6" main, as there is a change in size right around this property. Some engineering will need to be done in the future to ensure there is enough water main capacity to up-size this service.

Signature: 

Agency: Town of Oliver

Date: 2024 November 25

Signed By: Tom Szalay

Title: Interim Director of Development Services