

## **ALR EXCLUSION APPLICATION**

**Canada Lands Company CLC Ltd.**

**7.21 Acre**

**Former Ballast Pit**

**District of Lake Country, BC**

**Prepared for:  
Municipal Council Members  
District of Lake Country**



**Kent•Macpherson**

**R.S. Cook, AACI, RI(BC), C. Arb.**

**March 27, 2001**

## ***Section 1***

## ***Introduction***

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### **1.1 INTENT OF REPORT**

This report is submitted in support of an application to exclude land from the Agricultural Land Reserve under Section 15 (1) of the Agricultural Land Commission Act.

The present owner of the property is Canada Lands Company CLC Ltd.

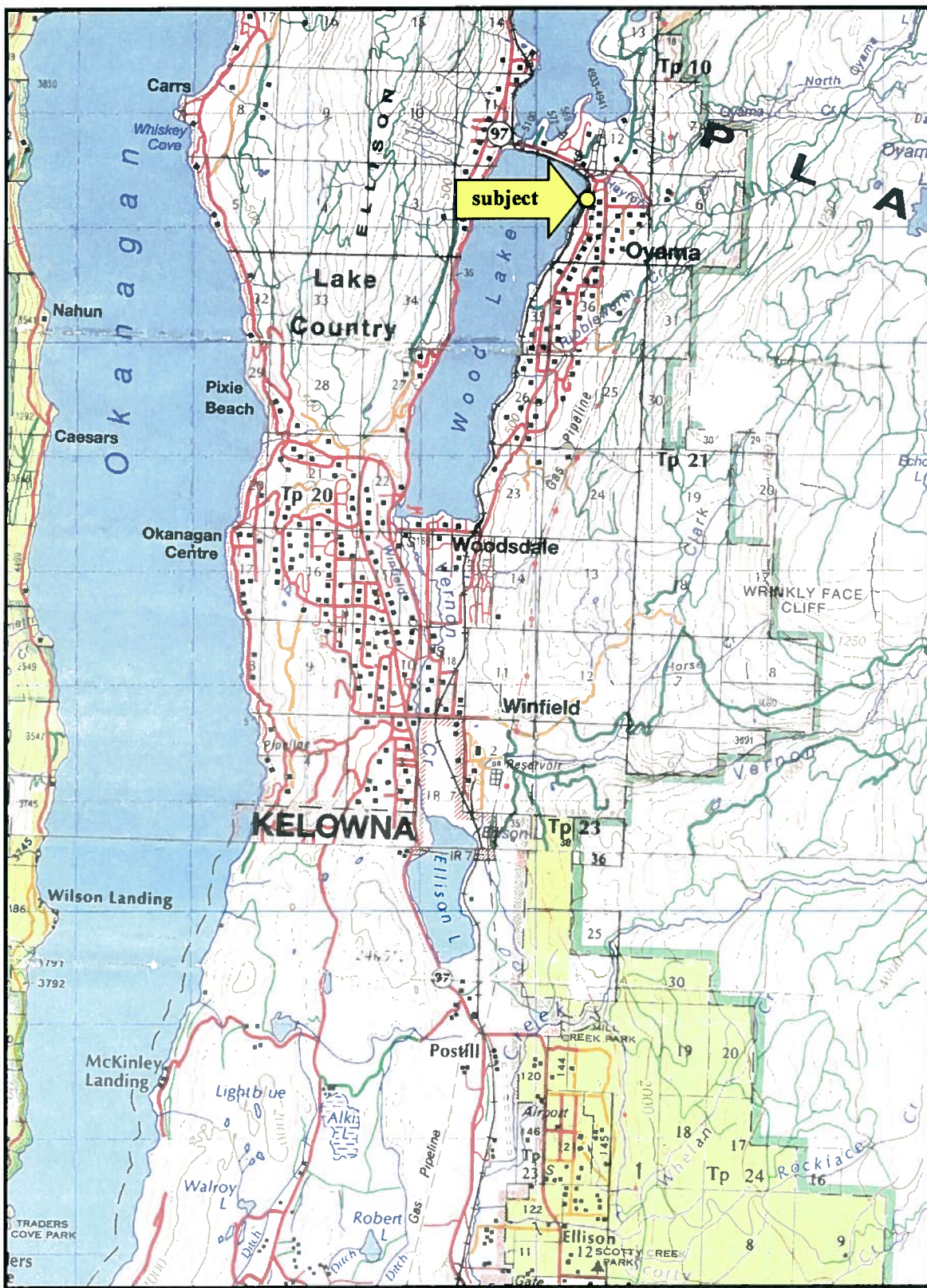
The agent for the exclusion application is Mr. Rod Cook of Kent-MacPherson with assistance from Talisman Land Resource Consultants Inc.

### **1.2 EXCLUSION OVERVIEW**

The subject property encompasses an abandoned ballast pit located along the north east side of Wood Lake, within the District of Lake Country (refer to Location Map – Figure 1 and Air Photo - Figure 2). The 2.92 ha (7.21 acre) property is within the Agricultural Land Reserve (ALR), lying along the ALR boundary between Oyama Road and the CNR Railway right-of-way (refer to the ALR Boundary Map – Figure 3).



FIGURE 1 – LOCATION MAP



*FIGURE 2 – OBLIQUE AIR PHOTO*



## ***Section 2***

## ***The Lands Under Application***

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### **2.1 INTRODUCTION**

The site proposed for exclusion is legally described as:

Parcel Identifier No. 012-072-672  
Part Lot 1 shown on Plan A582, District Lot 7, Osoyoos Division Yale District,  
Plan 808 containing 7.21 acres more or less except Plan KAP 52253

This site consists of an abandoned ballast pit on the east side of Wood Lake, upland of the CNR which severs the property from the waterfront.

Encumbrances listed on title include:

- Restrictive Covenant KJ100204 registered November 22, 1995 stating that the land owner acknowledges the railway's presence on adjacent lands. A complete copy of this document is attached in the Addenda.

Legal access is provided along the entire easterly boundary adjoining Oyama Road. Physical access, however, is impossible due to severe topographic constraints.

There are no services provided to the property at this time. Telecommunications and Hydro Electric power are readily accessible and natural gas is available from a distribution main lying along Oyama Road.

### **2.2 BOUNDARIES & ADJACENT USES**

The site subject to this ALR exclusion request is located at the northeast corner of Wood Lake within the incorporated District of Lake Country.

### **2.3 RELATIONSHIP TO ALR LANDS**

Figure 3 shows the relationship of the land proposed for exclusion relative to the ALR boundaries. Properties to the north and south of the subject site are excluded from the ALR. The larger contiguous blocks of ALR are located to the east of the Oyama Road in this area.



The District of Lake Country includes the formerly unincorporated communities of Winfield, Oyama, Okanagan Centre and Carrs Landing encompassing the area lying north of the City of Kelowna and south of the North Okanagan Regional District.

The subject is located in Oyama and is bounded by the following:

**North:** Lands to the north of the subject are outside the confines of the ALR. The Winfield-Oyama Irrigation District office occupies the property abutting the subject's extreme northerly boundary at Oyama Road.

**East:** Oyama Road lies along the easterly boundary of the subject property. All of the lands located further east are within the ALR and consist of small acreages and single family residences. A new development directly across Oyama Road consists of two large homes designed for Bed and Breakfast.

**South:** Lands adjoining the southerly boundary are developed to single family residential and rural residential small holdings within the R-1 and RU-4 zones, out of the ALR.

**West:** The CNR right-of-way and Wood Lake form the westerly boundary of the subject property.

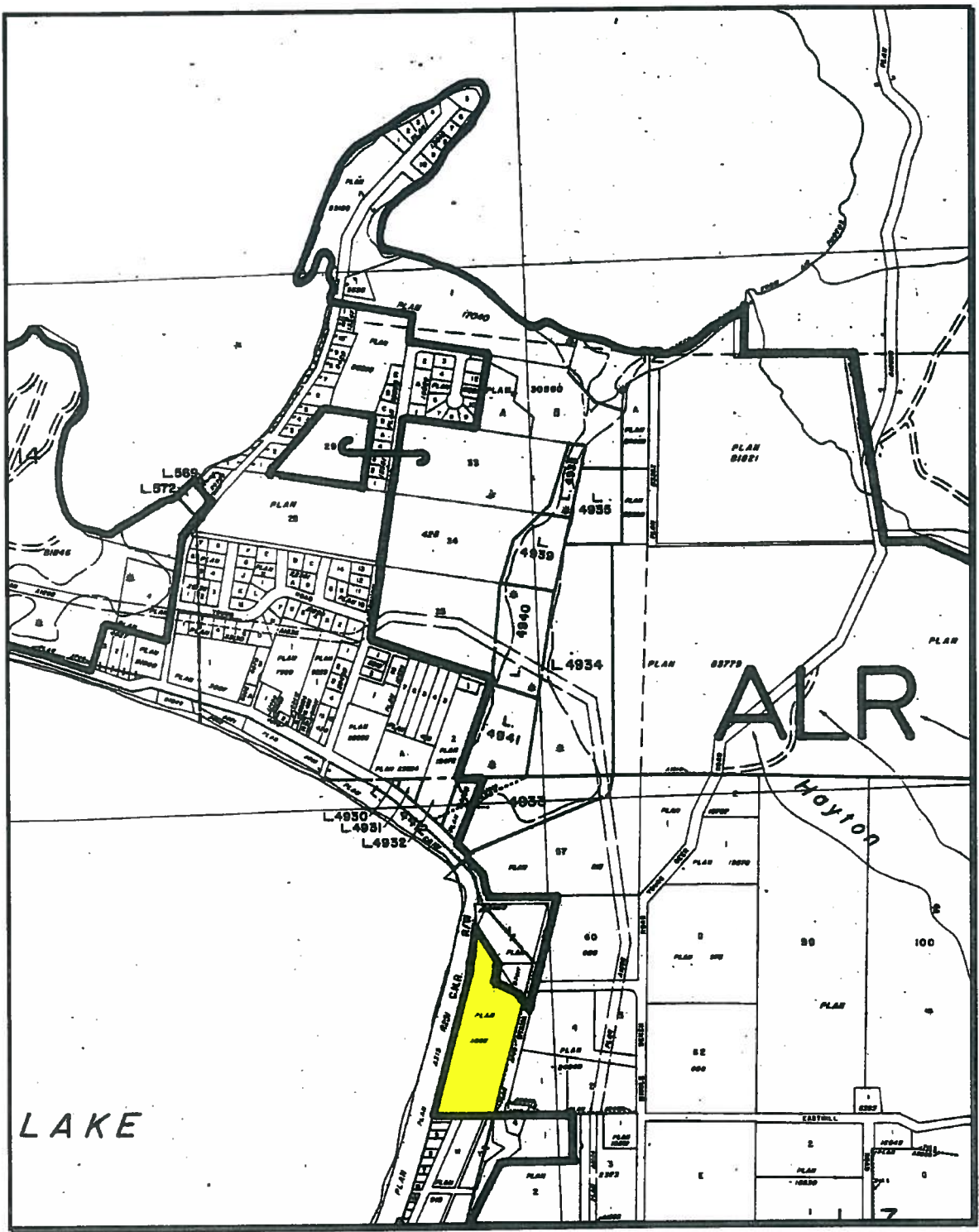
## **2.4 LOCAL GOVERNMENT JURISDICTION**

The land under application for exclusion is entirely within the District Municipality of Lake Country.



FIGURE 3 – ALR BOUNDARY MAP

 Subject Property



### ***Section 3      Agricultural Land Capability & Impact Assessment***

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The following analysis (pages 9 – 15) of the subject's agricultural capability was prepared by Talisman Land Resource Consultants Inc. Talisman Land Resource Consultants Inc. are one of the province's leading consultants in land resource planning and environmental management.







## 1.0 AGRICULTURAL ASSESSMENT

### 1.1 Study Personnel and Methods

This assessment was carried out by Paul Christie, P.Ag., R.P.Bio., who conducted a site survey on September 11, 2000.

### 1.2 Terrain and Soils

#### 1.2.1 **Published Soils Mapping**

The published soils mapping (refer to Figure 4) shows the majority of the subject property as belonging to the Corporation soil type (CP), described as rapidly drained, very strongly sloping to very steeply sloping, gravely, coarse textured, fluvioglacial deposits.

#### 1.2.2 **On-site Soils Assessment**

The majority of the subject property comprises a former ballast pit developed by extracting the edge of a high fluvioglacial "outwash" terrace lying along Wood Lake. The headwall of the ballast pit lies close to the easterly boundary of the subject property and the pit floor extends to the westerly boundary along the CNR R/W which parallels the lake shore (refer to Figure 5, Oblique Air Photos and air photo enlargement, included in the addenda, showing the subject property and ALR boundaries). A small area (> 1 ha in total) of the terrace remains intact, along the eastern boundary of the property.

The pit headwall along the westerly boundary of the property, shows the terrace is composed of stony, gravely, coarse sand "outwash" materials deposited during deglaciation. The upper edge of the pitwall is over-hanging or extremely steep over much of its length. Dirt bike trails and minor gully erosion were evident in sections.

The relatively level pit floor is composed of similar stony, gravely, sandy soils that appear to have been re-graded in association with ballast extraction and rail line construction (see Figure 6, Photos 1 and 2).



Figure 5 – Oblique Air Photos



**Figure 6 Photos 1 & 2**



**Photo 1:** Facing north over northerly end of property. CNR R/W on west property boundary, headwall of former ballast pit on east. The northerly end of the over-steepened escarpment has little vegetation cover and portions over-hang at the top.



**Photo 2:** Facing east over the pit floor to the southerly portion of the headwall. This end is lower in elevation and has better vegetation cover. The pit floor is stony, extremely coarse textured and weed infested.

### 1.3 Land Use

#### 1.3.1 Subject Properties

The subject property encompasses a former ballast pit and abandoned rail siding. The site is currently vacant and any former buildings or improvements have been removed. The pit floor is extremely weedy (perennial weeds include knapweed, thistle and burdock) with very little native vegetation re-growth (see Figure 6, Photo 2). The northerly portion of the headwall is largely devoid of vegetation, while the southerly section supports sparse ponderosa pine, Douglas-fir, aspen, wild rose, snowberry, and Saskatoon berry. The upper, remnant terrace area is weedy, with sparse vegetation cover, as described above.

#### 1.3.2 Surrounding Lands

Oyama road forms the easterly property boundary. In the mid-section of the property it runs very close to the edge of the pit headwall. The adjacent properties to the north and to the east of the subject property along Oyama Road have been developed as residential lots, including one Bed and Breakfast operation.

The properties immediately south and south-east of the subject property are not within the ALR (may have been the subject of an exclusion) and appear to have been former orchards that are now planted to pasture grasses.

Most of the terrace lands to the south-east of the subject property lie within the ALR and are in tree fruit production.

The CNR R/W lies along the westerly boundary of the subject property, running parallel to the shoreline of Wood Lake. The lakeshore adjacent to the property is used for unauthorised recreational pursuits such as swimming and campfires.

There are no intensive agricultural cropping or livestock operations immediately adjacent to any of the property boundaries. The haylands to the north and orchards to the south-east of the subject property are well buffered from the site by the escarpment, the Oyama Road, and the non-ALR lands to the south and north.

### 1.4 Capability for Agriculture

#### 1.4.1 Climate Capability for Agriculture

The Oyama area has an unimproved (dryland) climate capability for agriculture rating of Class 3A, with a droughtiness limitation during the May 1 to September 30<sup>th</sup>, growing season.

The improved (irrigated) rating is Class 1aF with a freeze-free period of approximately 150 days and approximately 1905 growing degree days. This climate class is capable of supporting a wide range of crops with irrigation, including tree fruits.

#### 1.4.2 Land Capability for Agriculture

##### **BCLI Mapping**

The British Columbia Land Inventory (BCLI), published mapping shows the subject property within a unit rated as (irrigated) 80% Class 3, with on-going limitations due to low moisture holding capacity and topography, and 20% Class 2 with topographic limitations (refer to Figure 7, Agricultural Capability Map). The glaciofluvial benchlands to the east and south-east of the subject property are rated as irrigated Class 2-3, with the same limitations.

## **Site Assessment**

The subject property has been highly disturbed due to ballast extraction and development of the rail tracks and siding. No topsoil remains within the pit area. Although the pit floor is relatively level, the subsoils that remain are stony and very coarse textured and are not suitable for cultivation.

The pit headwall or escarpment is rated Class 7 due to topographic limitations. This area is not suitable for crop production.

The remaining narrow sliver of upland terrace along the east boundary is not suitable for crop production because of its small size, configuration, and geotechnical issues (crop irrigation could lead to increased instability).

## **2.0 ALR ISSUES**

### **2.1 Current and Future Status**

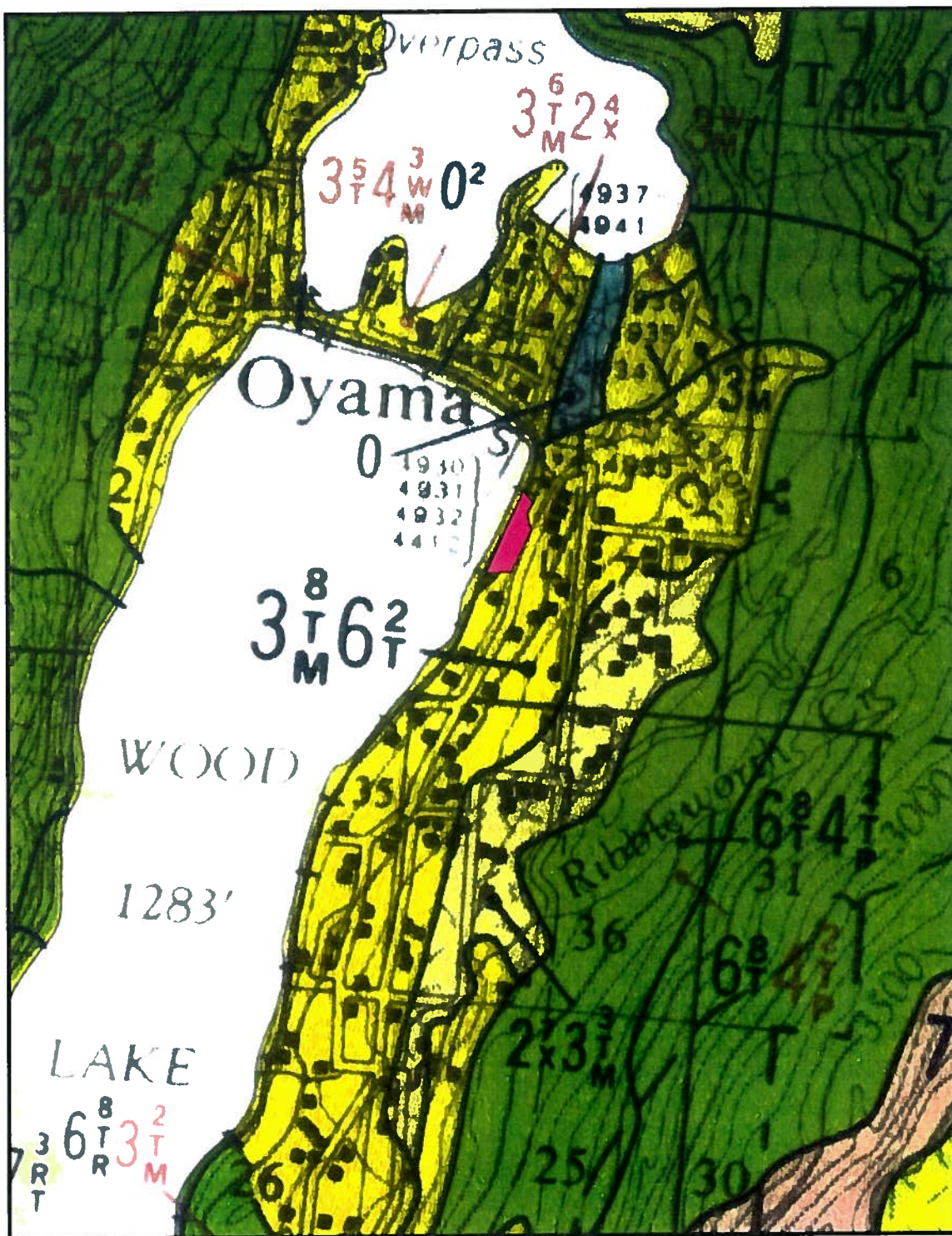
The subject property is an isolated parcel encompassing a former ballast pit that has no suitability for crop cultivation. The property is well buffered from surrounding ALR and farm lands to the north and east by the escarpment, Oyama Road and non-ALR residential and vacant lands.

### **2.2 Summary**

In the writer's opinion, the subject property is not suitable for crop production. The exclusion of this parcel from the ALR would have no negative impacts on existing or potential agricultural production in the Oyama area.

Figure 7 Agricultural Capability Map

 Subject Property



***Section 4******Current & Historic Land Use***

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The subject property is an abandoned ballast pit.

The property has been in the name of CN Rail for many years and was recently transferred to Canada Lands Company, with the intent to separate active rail lands from lands with potential for other uses.

Historical references describe the land as former ballast pit used by CNR in construction and maintenance of the rail bed.





## ***Section 5***

## ***Municipal Policy & Planning***

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### **5.1 LAND USE DESIGNATIONS**

#### **5.1.1 Zoning**

The subject property is currently zoned RU-ALR (refer to the Zoning Composite Map – Figure 8). The former zoning from the Central Okanagan Regional District was adopted in the incorporation of Lake Country in December 1994.

#### **5.1.2 ALR**

The subject property is wholly within the confines of the Agricultural Land Reserve (ALR). Lands immediately north and south of the subject are excluded (refer to the ALR Boundary Map – Figure 3).

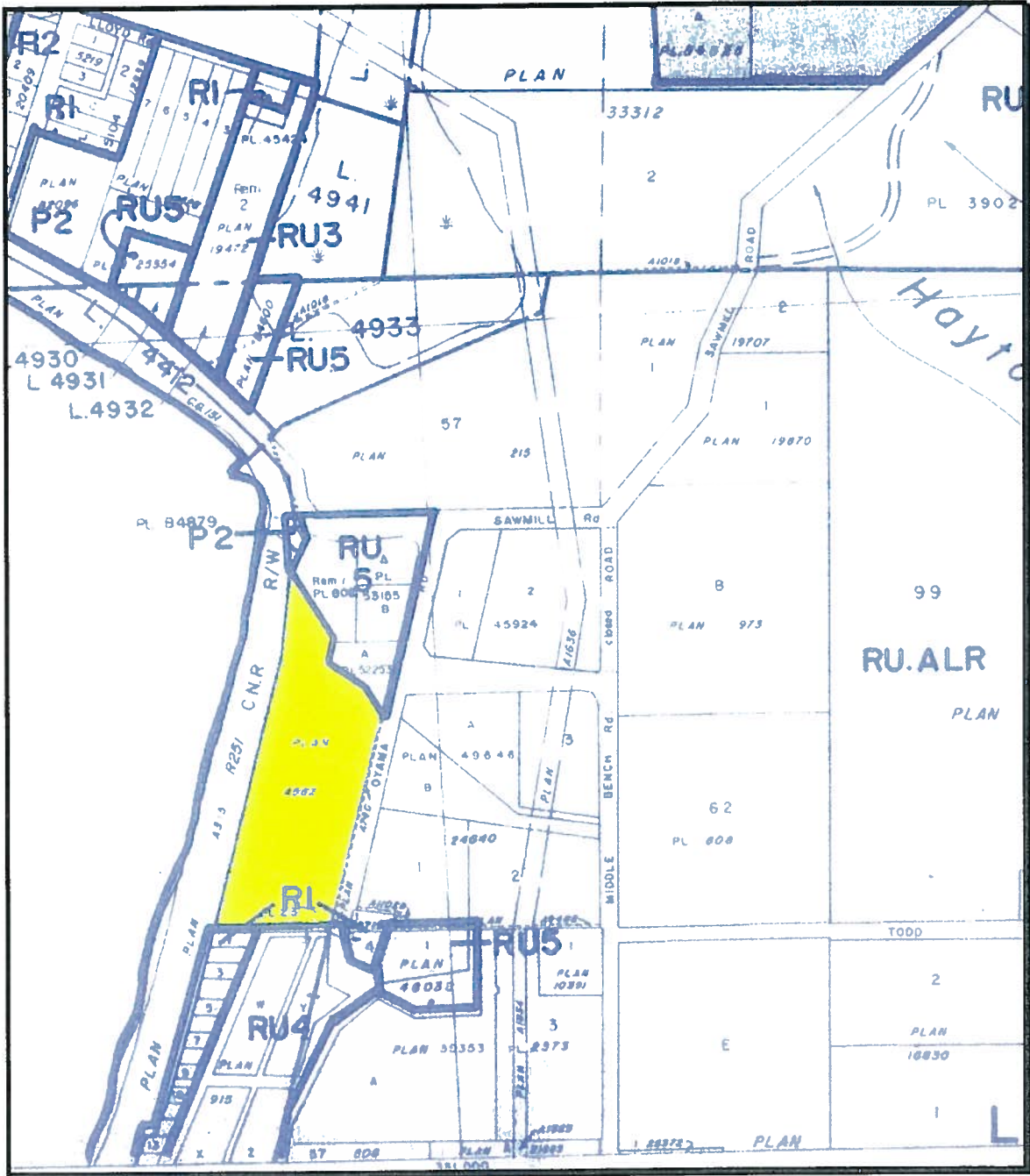
#### **5.1.3 OCP**

The District of Lake Country Official Community Plan Map, provided at the end of this section, identifies the property as “Parkland/Conservation”.



FIGURE 8 – ZONING COMPOSITE MAP

 Subject Property





















# DISTRICT OF LAKE COUNTRY OFFICIAL COMMUNITY PLAN

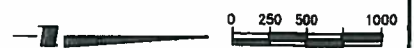
## SCHEDULE "B" LAND USE MAP

**OKANAGAN  
CENTRE  
AREA**

**LEGEND:**

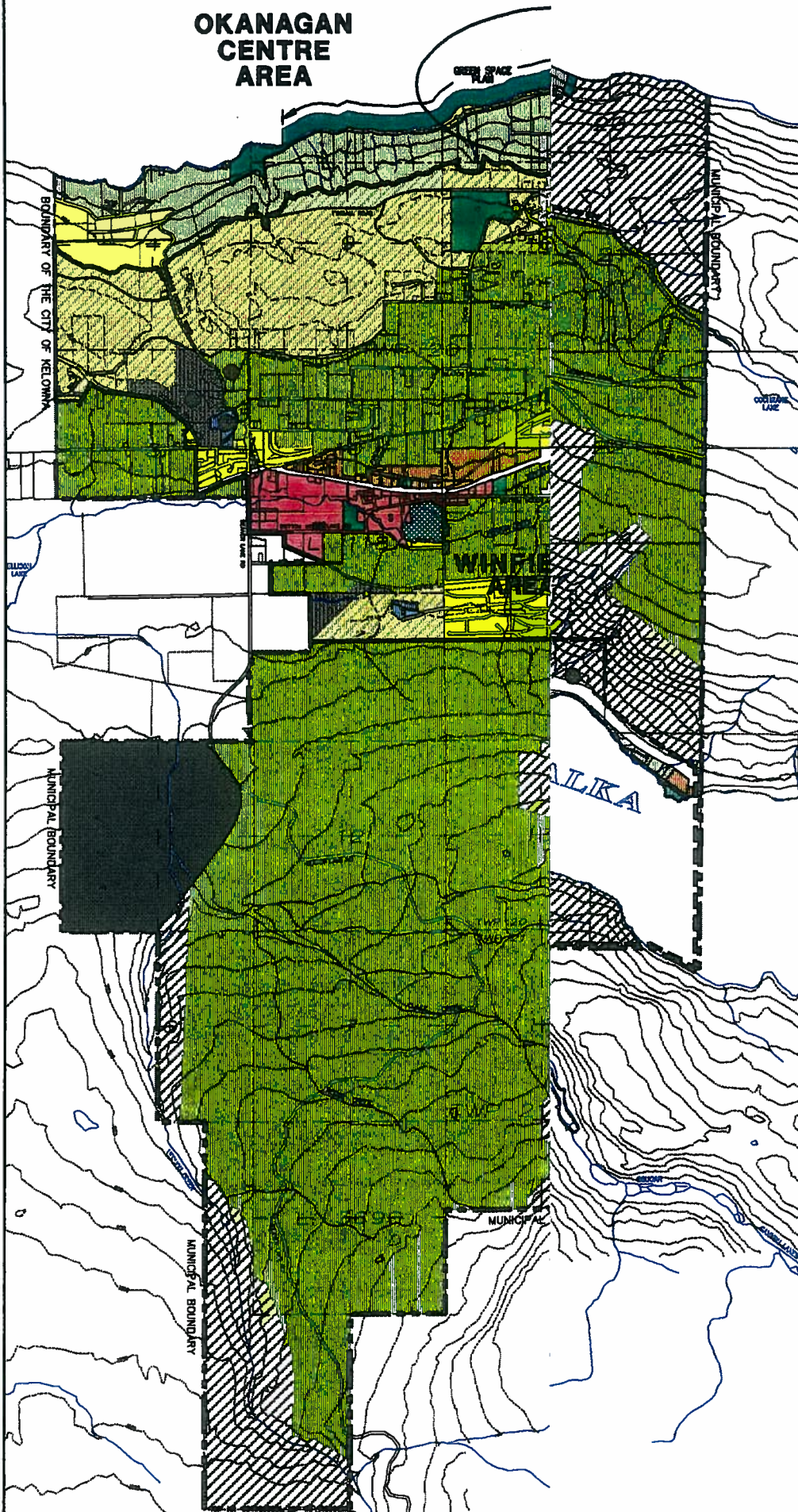
-  LOW DENSITY RESIDENTIAL - URBAN (LDR-U)
-  LOW DENSITY RESIDENTIAL - RURAL (LDR-R)
-  COMPREHENSIVE MIXED DENSITY RESIDENTIAL (CMDR)
-  MEDIUM DENSITY RESIDENTIAL (MDR)
-  RURAL INTENSIVE (RI)
-  AGRICULTURAL/RURAL (A/R)
-  WOODSDALE DISTRICT (WD)
-  WINFIELD TOWN CENTRE (WTC)
-  TOURIST COMMERCIAL (TC)
-  INDUSTRIAL (I)
-  BUSINESS PARK INDUSTRIAL (BPI)
-  PRIVATE RECREATION (PR)
-  LARGE HOLDINGS (LH)
-  GRAVEL EXTRACTION (GE)
-  EDUCATIONAL/INSTITUTIONAL (E/I)  
S - SCHOOL
-  PARKLAND/CONSERVATION (PC)  
C - CEMETERY
-  PRIMARY URBAN CONTAINMENT BOUNDARY
-  OYAMA SECTOR PLAN AREA BOUNDARY

NOVEMBER 25, 1996



**URBAN**SYSTEMS

FILE: 1.1179.18.1



## Section 6

## Summary & Conclusions

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In summary:

1. Talisman Land Resource Consultants concludes at 2.2 "... the subject property is not suitable for crop production. The exclusion of this parcel from the ALR *would have no negative impacts on existing or potential agricultural production in the Oyama area.*"
2. The site has no potential for agricultural use due to severe topographic limitations and gravel soils.
3. *Abutting lands to the north, south and west are located outside of the ALR.*
4. It appears that the original ALR boundary simply followed Wood Lake or the CNR boundary with no regard for agricultural capability.
5. *The Agricultural Advisory Committee recognizes that there is no agricultural potential and fully supports the site's exclusion from the ALR.*
6. Land Commission staff have made a cursory inspection of the property and also *support its removal from the ALR.*
7. Although there is some local interest in acquiring the property for future park purposes, this is a land use and planning issue which will be dealt with subsequently at the OCP review and rezoning stages. Future land use has limited bearing on the site's agricultural capability and the merits for its exclusion.

In conclusion, the exclusion of the subject property from the ALR will have no negative impact on the area's agricultural capability and will not have a deleterious impact on adjoining lands.



