



Staff Report
Reconsideration of Application # T – 35711
Applicant: Kent & Janice Hansen

DATE RECEIVED: November 01, 2007

DATE PREPARED: November 20, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To subdivide a panhandle (or register an easement) through the ALR portion of the 40 ha property to access the 13 ha non ALR portion of the property. Two alternate options have been provided;

- to use the existing road access through the middle of the property (which will divide the ALR portion of the property into two);
- construct a new access road on the easterly boundary, with a widened panhandle at the steeper section to accommodate a climbing winding road.

This application is being reconsidered pursuant to section 33 of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The Commission twice refused previous requests for subdivision of the ALR portion of the property, on the grounds subdivision would reduce agricultural potential.

Local Government:

Regional District of North Okanagan

Legal Description of Property:

PID: 005-004-233
Lot 2, Section 8, Township 40, North Saanich District, Plan 5355

Purchase Date:

02/01/1994

Location of Property:

Mabel Lake Road, north of Lumby

Size of Property:

40 ha (about 27 ha of the property lies within the ALR).

Present use of the Property:

Farm property, with cleared hay and pasture areas. about 1/3 of the 40 ha property is forested, non arable hillside

Surrounding Land Uses:

WEST: 64 ha - pasture and forest
SOUTH: 64 ha - forested
EAST: 8 ha hobby farm
NORTH: Mabel Lake Rd., an 8 ha lot and a 4 ha lot

Agricultural Capability:

Data Source: Agricultural Capability Map # 82L/7
The majority of the property is identified as having prime dominant ratings.

Official Community Plan and Designation:

Electoral Area D and E OCP designates the land as Agricultural /Non Urban

Zoning Bylaw and Designation:

Bylaw 1888, 2003 - Large Holdings zone which permits a minimum lot size of 30.5 ha.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

No specific recommendation is provided. However, the landowner indicates that he has spoken with the local area director (Rick Fairburn) and Regional District staff, and has received support for both of the options outlined.

STAFF COMMENTS:

Staff suggests that the Commission consider allowing the proposed road access to the southerly non ALR area on the east property boundary because it will likely eventually become a public road accessing multiple smaller (2 ha) lots. Bisecting the ALR portion of the property with an easement/subdivision will only increase pressures to subdivide the property into two parcels.

ATTACHMENTS:

- ALR map
- Applicant's sketch map and November 1, 2007 letter

END OF REPORT


Signature

NOV 14/07
Date