



Staff Report
Application # G – 37738
Applicant: Marguerite Dion , *Pierre Dion*
Agent: R. Percy Tinker Q. C.
Location: Highway #33 Joe Rich Valley

DATE RECEIVED: October 16, 2007

DATE PREPARED: November 26, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Martin Collins, Land Use Planner

PROPOSAL: To subdivide the 7.4 ha parcel into a 4 ha and a 3.4 ha lot.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The property has been subject to several previous applications. See below for details.

Local Government:

Regional District of Central Okanagan

Legal Description of Property:

PID: 008-238-197
Lot 2, District Lot 4084, Osoyoos Division of Yale District, Plan 18652, EXCEPT Plan KAP50690

Purchase Date:

1967-07-01

Location of Property:

Adjacent to Highway 33, east of Kelowna - Joe Rich Valley

Size of Property:

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

Present use of the Property:

Rural residence, with barn and garage. Small cleared area, forested, abandoned gravel pit

Surrounding Land Uses:

WEST: rural residential not in the ALR
SOUTH: rural acreages not in the ALR
EAST: Highway 33 / rural residential in the ALR
NORTH: Highway 33 / rural residential not in the ALR

Agricultural Capability:

Data Source: A on-site soils capability analysis undertaken by H. Luttmending, P. Ag, rates the property as 6AP (6:6PAC – 4:5PCA) and 7:6TC 3:5TC

Official Community Plan and Zoning Designation:

OCP Bylaw No 1195 – Joe Rich Rural Land Use Bylaw permits a minimum lot size of 4 ha.

PREVIOUS APPLICATIONS:

Application #29615-0

Applicant: Dion, Claude & Marguerite
Decision Date: February 28, 1995
Proposal: To subdivide the 7.9 ha property into two lots of equal size.
Decision: Refused because of concerns about reduced agricultural capability

Application #29615-1

Applicant: Dion, Claude & Marguerite
Decision Date: June 20, 1995
Proposal: To subdivide a 1.3 ha lot south of Joe Rich Creek, from the 7.9 ha property.
Decision: Allow as proposed as the 1.3 ha area lies outside the ALR and was used for gravel extraction prior to the establishment of the ALR.

Application #25899-0

Applicant: Dion, C. & M.
Decision Date: March 25, 1992
Proposal: Subdivide the 11.9 ha property into three lots of approximately 4 ha in size.
Decision: Refuse as proposed, but allow a two lot subdivision (4 ha and 7.9 ha). **The 7.9 ha remainder is the subject property.**

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The Regional District of Central Okanagan Board forwarded the application with a recommendation of support.

Advisory Planning Commission - has no objection to the subdivision proposal
Agricultural Advisory Committee – has no objection to the subdivision proposal
Local Government Staff - supports the application

STAFF COMMENTS:

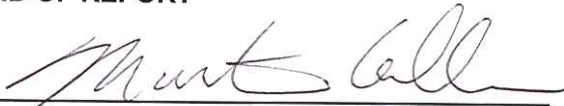
Staff recommends that the Commission consider the following:

- About half of the proposed 4 ha lot either is not arable or does not lie within the ALR.
- A soil analysis, undertaken by H. Luttmerding, P.Ag suggests that the soils capabilities affecting the property are secondary, with the best rating being a Class 5 with limitations of climate, topography, stoniness and aridity.
- The applicant qualifies for consideration under Homesite Severance Policy, having purchased the property prior to 1972.

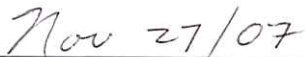
ATTACHMENTS:

- Applicant's subdivision plan showing soil capability ratings
- 1:10,000 scale orthophoto
- 1:20,000 scale ALR map

END OF REPORT



Signature



Date