



Agricultural Land Commission Staff Report

DATE: September 29, 2009
TO: Vice Chair and Commissioners - Okanagan Panel
FROM: Martin Collins

RE: Application # 50443
PROPOSAL: To subdivide a 0.5 ha lot from the 9.5 ha property. Approximately 0.15 ha of the proposed lot would lie within the ALR - primarily a 10 meter wide 105 meter long access panhandle.

PROPOSAL INFORMATION

Background: The purpose of the subdivision is for a homesite lot for the applicant's parents.
Received Date: August 26, 2009
Applicant: Kristine Ross
Agent: N/A
Local Government: Regional District of North Okanagan

DESCRIPTION OF LAND

PID: 026-221-217
Legal Description: Lot 3 Section 33 Township 45 Osoyoos Division Yale District Plan KAP77645
Civic Address: 1520 Highway 6
Area: 9.5 ha
ALR Area: 5 ha
Purchase Date: March 26, 2005
Owner: Kristine Ross

Total Land Area: 9.5 ha
Total ALR Area: 5 ha
Current Land Use: Single Family Dwelling, hayfield, pasture for horses, sheds/shop, uncultivated land, with the rest remaining a rocky, forested hillside

PROPOSAL DETAILS

Subdivision

| | | |
|-------------|--------------------------------|---------------------------------------|
| Area | Agricultural Capability | Agricultural Capability Source |
| 5.0 | Secondary | CLI |

| | |
|-----------------------|----------------------|
| Number of Lots | Lot Size (ha) |
| 1 | 0.1 |
| 1 | 4.9 |

Surrounding Land Uses:

| | |
|-------|---|
| North | Dairy Farm in the ALR |
| East | Four Country Residential Lots outside the ALR |
| South | Forested crown land - mountainside. |
| West | Single Family Dwelling, outbuildings, pasture and uncultivated rocky terrain - mostly outside the ALR |

Official Community Plan

Bylaw Name: Bylw #1690
Designation: Agriculture
OCP Compliance: Yes

Zoning

Zoning Bylaw Name: Bylaw 1888
Zoning Designation: Non Urban
Minimum Lot Size: 7.2 ha
Zoning Compliance: No

PREVIOUS APPLICATIONS

Application #: 16079
Applicant: RD of North Okanagan
Proposal: Block Application - To exclude approximately 4,064 ha from the ALR in the North Okanagan Regional District in Electoral Areas D and E

Decisions:

| Resolution Number | Decision Date | Decision Description |
|--------------------------|----------------------|--|
| 692 | October 24, 2000 | The Commission refused the proposal as submitted, retaining 404 ha in the ALR because some lands proposed for exclusion had agricultural capability. However, the Commission agreed to exclude approximately 3,660 ha because these lands had minimal agricultural capability due to soil, topographic factors or existing non farm uses.. |

Note: The southerly 4 ha of the subject property was excluded from the ALR as part of this application.

Committee Recommendations

| Type | Recommendation | Description |
|-----------------------------|-----------------------|---|
| Planning Staff | Refuse | RDNO staff recommended that the application not be forwarded to the ALC because the proposed lot does not meet minimum lot size (7.2 ha) required by the bylaw, nor does it meet the 1 ha minimum lot size required by health authorities for septic. |
| Board/Council | Approve | The Regional District of North Okanagan board forwarded the application with a recommendation of support. |
| Advisory Planning Committee | Refuse | The Electoral Area E - APC recommended that the application not be authorized for submission to the ALC. |

STAFF COMMENTS

Staff suggests that the Commission consider the following:

- 1) The ALR area affected by the proposed subdivision is relatively small (10 meter by 100 meters). The loss of this area from the larger farm parcel is unlikely to have a substantive affect on the agricultural capability of the remainder.
- 2) Regional District staff and the APC do not support the proposal. However, the Regional Board supports the subdivision.

ATTACHMENTS

50443_AirphotoMap.pdf
50443_ContextMap10k.pdf
50443 sketch plan.pdf

END OF REPORT

Signature

Date