



Agricultural Land Commission Staff Report

DATE: November 9, 2009
TO: Vice Chair and Commissioners - Okanagan Panel
FROM: Brandy Ridout

RE: Application # 50688
PROPOSAL: To exclude approximately 17.2 ha from the ALR and subdivide along the new ALR boundary. The area proposed for exclusion has a gravel access road along the west side that has been used for years to access the back portion of the property and would be difficult to reconstruct given the steep slopes and wooded areas of the hillside.

PROPOSAL INFORMATION

Background: A road to access the non-ALR portion of the property was previously allowed.
Received Date: September 28, 2009
Applicant: Barry Roelfsema
Agent: N/A
Local Government: Columbia Shuswap Regional District

DESCRIPTION OF LAND

PID: 013-903-624
Legal Description: The South 1/2 of the South West 1/4 of, Section 8, Township 19, Range 9, W6M, Kamloops Division of Yale District
Civic Address: 1108 Graystone Road
Area: 32.4 ha
ALR Area: 24 ha
Purchase Date: June 13, 2002
Owners: Barry Roelfsema
Tjaardiena Thompson

PID: 013-892-126
Legal Description: The West 1/2 of the West 1/2, Section 5, Township 19, Range 9, W6M, Kamloops Division of Yale District
Civic Address: 1105 Graystone Road
Area: 64.7 ha
ALR Area: 35 ha
Purchase Date: June 13, 2002
Owner: Barry Roelfsema

Total Land Area: 97.1 ha
Total ALR Area: 59 ha
Current Land Use: The land which is viable farm land is currently a hay pasture, the buildings are used as rental properties and farm/equipment storage and the forested lands have remained in a natural state.

PROPOSAL DETAILS

Exclusion

Area	Agricultural Capability	Agricultural Capability Source
17.2	Prime Dominant	BCLI

Surrounding Land Uses:

North	Black Forest Dairy
East	Crown land - forested with steep terrain
South	Farm land and forest
West	Farm land and forest

Official Community Plan

Bylaw Name: Rancho/Deep Creek Land Use Bylaw No. 2100
Designation: R-Rural
OCP Compliance: Yes

Zoning

Zoning Bylaw Name: Rancho/Deep Creek Land Use Bylaw No. 2100
Zoning Designation: R-Rural Zone
Minimum Lot Size: 60.0 ha
Zoning Compliance: Yes

PREVIOUS APPLICATIONS

Application #: 45088
Applicant: Tjaardiena Thompson
Proposal: To dedicate and construct a 20 metre road as an extension of Grayston Road for the purpose of providing access to non-ALR lands beyond. The proposal would affect an ALR area of 0.8 ha.

Decisions:

Resolution Number	Decision Date	Decision Description
701	October 8, 2008	Allowed subject to the registration of a no-build covenant along the western boundary of the ALR on the properties.

Note: Legacy application #H-38210

Committee Recommendations

Type	Recommendation	Description
Planning Staff	Approve	CSR Development Services: Recommend approval.
Board/Council	Approve	CSR Board: Approve.

STAFF COMMENTS

- The owner of the property to the north (Lot 1, Plan KAP74078) is opposed to any subdivision or exclusion of the subject properties. He operates Black Forest Dairy on the property and indicates that the dairy barns, manure pit and compost operation are situated within 100-200 feet of the shared lot boundary. He is concerned that the subdivision/exclusion of the property will result in a conflict between the intensive agricultural use of the Black Forest lands and the use of the subject properties by additional residents.
- Under the previous application, the reason for the request to dedicate and construct an access road was to develop the non-ALR lands on the subject properties as residential parcels. As such, the Commission believed that to reduce its impact on the agricultural remainder, the registration of a restrictive covenant for the purpose of prohibiting construction within 30 metres of the western ALR boundary on both properties would be required. The current application proposes to exclude areas to the west (i.e. closer to the agricultural valley) of the 30 metre strip over which the Commission has required a covenant.
- The applicant has not indicated his intentions as to the development of the proposed exclusion area and why it is necessary as there are already non-ALR portions of the properties that could be developed without application to the Commission.

ATTACHMENTS

- 50688_AirphotoMap.pdf
- 50688_ContextMap50k.pdf
- 50688 ag cap.pdf
- 50688 air photo proposal.pdf
- 50688 appendix d & c.pdf
- 38210 decision.pdf

END OF REPORT

Signature

Date