



Agricultural Land Commission Staff Report

DATE: May 6, 2010
TO: Vice Chair and Commissioners - Interior Panel
FROM: Simone Rivers

RE: Application # 51683

PROPOSAL: To subdivide the 44.1 ha property into two lots as divided by Agate Bay Road. One lot would be 4.2 ha and the other would be 5.6 ha. Portions of both lots are not in the ALR.

PROPOSAL INFORMATION

Background: The applicants wish to subdivide because they believe that Agate Bay Road is difficult to cross. They do not use this portion of the subject property. There are several small lots located on the north side of Agate Bay Road, two of which were created by Commission Resolution.

Received Date: April 13, 2010
Applicant: Gerhard Brackhaus
Agent: N/A
Local Government: Thompson-Nicola Regional District

DESCRIPTION OF LAND

PID: 023-037-938
Legal Description: Lot 1, District Lot 1476 & 6276, Kamloops Division Yale District, Plan KAP54464
Civic Address: 737 Agate Bay Road, Skwaam Bay
Area: 45.5 ha
ALR Area: 37.8 ha
Purchase Date: August 15, 2002
Owner: Gerhard Brackhaus

Total Land Area: 45.5 ha
Total ALR Area: 37.8 ha
Current Land Use: Some hay production. DL 9276 is very rough and never been utilized by current owner

PROPOSAL DETAILS

Subdivision

Area	Agricultural Capability	Agricultural Capability Source
37.8	Mixed Prime and Secondary	CLI

Number of Lots	Lot Size (ha)
1	3.4
1	34.3

Surrounding Land Uses:

North	Crown
East	Crown - Rough Pasture - Residential Lot
South	Road Frontage (Agate Bay Road)
West	Crown (Access to Crown on North Side)

Official Community Plan

Bylaw Name:

Designation:

OCP Compliance:

Zoning

Zoning Bylaw Name: Zoning Bylaw No. 940

Zoning Designation: RL-1 (Rural)

Minimum Lot Size: 4.0 ha

Zoning Compliance: Yes

PREVIOUS APPLICATIONS

Application #: 30128

Applicant: David, George, Donna Fraser

Proposal: To subdivide a 0.8 ha lot from the 43.9 ha property.

Decisions:

Resolution Number	Decision Date	Decision Description
--------------------------	----------------------	-----------------------------

Note: Legacy Application # ZZ-13903
 Resolution # 349/1982
 Decision Date: February 16, 1982
 Decision: Allowed but the Commission stated that it was not prepared to entertain and further requests for subdivision of a homesite.

Application #: 30125

Applicant: E.H. Fraser

Proposal: To subdivide the 16 ha property into a 2.8 ha lot and a 13.2 ha lot.

Decisions:

Resolution Number	Decision Date	Decision Description
--------------------------	----------------------	-----------------------------

Note: Legacy Application # ZZ-04070

Resolution # 6124/1977
Decision Date: May 2, 1977
Decision: Allowed subject to the consolidation of the remaining 13.2 ha parcel with either District Lot 4671 or the West ½ of District Lot 1476

Application #: 5108
Applicant: James & Charlaine Lynch
Proposal: To subdivide the 45.59 ha property along the Agate Bay Road into two lots of 4.2 ha and a remainder. Approximately 1.5 ha are not in the ALR north of the road.

Decisions:

Resolution Number	Decision Date	Decision Description
427	May 16, 1996	Refused on the grounds that Agate Bay road does not inhibit the ag. use of both sides of the property for farm purposes and to allow would only increase development expectations in the agricultural area.

Note: Legacy Application # ZZ-30486

RELEVANT APPLICATIONS

Application #: 45046
Applicant: Get Hooked Cutting Horses Ltd
Proposal: To subdivide the 127.2 ha subject property into two parcels of 63.6 ha each as divided by Agate Bay Road.

Decisions:

Resolution Number	Decision Date	Decision Description
372	June 25, 2008	Allowed subject to the inclusion of the cleared non-ALR portion of the property lying south of the road.

Note: Legacy Application # ZZ-38172

Application #: 41651
Applicant: Charles & Eleanor Saunders
Proposal: To subdivide an 8 ha lot from the 38 ha property. The proposed new lot lies to the north of the road, and largely outside the ALR. The road should likely delineate the ALR boundary, which has been drawn up the hillside.

Decisions:

Resolution Number	Decision Date	Decision Description
576	December 14, 2004	The Commission allowed the subdivision of an 8 ha lot from the 38 ha property because most of the new lot lay outside the ALR, and was separated from the remnant by a road.

Note: Legacy Application # ZZ-35726

Committee Recommendations

Type	Recommendation	Description
Board/Council	No Comment	Thompson-Nicola Regional District: The Regional

Board forwarded the application without comment or recommendation as per policy.

STAFF COMMENTS

Staff notes that a previous application (ZZ-30486) to subdivide the property as divided by the road was refused in 1999. At that time, the Commission did not believe that Agate Bay road was an impediment to the use of the property as a single unit. The Commission has allowed two previous applications for subdivisions of small lots from the original subject property. One of these subdivisions (Application # ZZ-04070) was conditional upon consolidation of the remainder with an adjacent property. Two other small lots located north of the road pre-date the ALR.

The area proposed for subdivision is cleared and does not appear to have significant topographic constraints.

In 2008, an application (ZZ-38172) was made to subdivide the property immediately to the west of the subject property as divided by Agate Bay Road. The Commission allowed this application subject to the inclusion of the arable portion of the lands located south of the road into the ALR. It did not believe that the lands north of the road had significant agricultural capability due to topographic constraints.

ATTACHMENTS

51683_ContextMap50k.pdf
51683_proposal sketch.pdf
51683_google earth images.pdf
51683_ag cap.pdf
51683_airphoto.pdf
51683_proposal description.pdf
51683_selected previous applications.pdf

END OF REPORT

Signature

Date