



Agricultural Land Commission Staff Report

DATE: August 3, 2010
TO: Vice Chair and Commissioners - Okanagan Panel
FROM: Martin Collins

RE: Application # 51841
PROPOSAL: To exclude the 0.27 ha subject property from ALR to subdivide into three lots; two 630 sq meter residential lots and a remainder parcel.

PROPOSAL INFORMATION

Background: The Commission approved the subdivision of the 0.27 ha subject parcel as a Homesite Severance in 2003.
Received Date: July 19, 2010
Applicant: Jose & Herminia Andre
Agent: N/A
Local Government: Town of Oliver

DESCRIPTION OF LAND

PID: 025-679-074
Legal Description: Lot A District Lot 245OS Similkameen Division Yale District Plan KAP73639
Civic Address: 11325 - 350th Ave
Area: .3 ha
ALR Area: .3 ha
Purchase Date: July 3, 2003
Owner: Jose & Herminia Andre

Total Land Area: .3 ha
Total ALR Area: .3 ha
Current Land Use: Residence with three car garage and swimming pool.

PROPOSAL DETAILS

Exclusion

Area	Agricultural Capability	Agricultural Capability Source
0.3	Prime	BCLI

Surrounding Land Uses:

North 350th Ave / Non ALR Single family Residential uses
 East Non ALR, Single Family Residential uses
 South AG Zone / Agricultural uses / ALR lands
 West AG Zone / Agricultural uses / ALR lands

Official Community Plan

Bylaw Name: Town of Oliver OCP
Designation: Agriculture
OCP Compliance: No

Zoning

Zoning Bylaw Name: Town of Oliver zoning bylaw
Zoning Designation: Agriculture
Minimum Lot Size:
Zoning Compliance: No

PREVIOUS APPLICATIONS

Application #: 21444
Applicant: Jose and Hermina Andre
Proposal: To exclude a 4.0 ha property from the ALR.

Decisions:

Resolution Number	Decision Date	Decision Description
864	September 10, 1992	Refused on the grounds that the land has good agricultural capability.

Application #: 20745
Applicant: Jose & Herminia Andre
Proposal: To subdivide a 0.3 ha lot from a 4.0 ha property in order to retire on the property.

The applicant claims that he bought the property on November 26th, 1972, but has no documentation to verify this statement. The applicants have provided an affidavit noting this purchase date. The registration date on the land title is January 26th, 1973. The applicant noted that this time gap resulted from having to arrange the money transfer for the property purchase.

Decisions:

Resolution Number	Decision Date	Decision Description
35	January 30, 2003	The Commission approved this subdivision application on the grounds that the applicants qualified for a homesite severance.

Committee Recommendations

Type	Recommendation	Description
Planning Staff	Approve	Town of Oliver planning staff recommend that the application for exclusion be supported.
Board/Council	No Comment	The Town of Oliver forwarded the exclusion application without comment.

STAFF COMMENTS

Staff suggests that the Commission consider the following:

- 1) The 0.27 ha subject parcel was subdivided as a single homesite severance lot.
- 2) The property is not zoned for residential development.
- 3) Placing an additional two residents up against active farmland will likely result in increased conflicts and actions that might result in the cessation of farming.
- 4) The owners of the adjoining farm operation have written a letter dated February 18, 2010 indicating they would support the exclusion/subdivision subject to the following conditions;
 - relocation of the sewer easement and access off of their farm parcel
 - the registration of a covenant against the titles of the new lots prohibiting backyard fruit trees and recognizing the adjoining parcel's right to farm.
- 5) The densification of residential uses adjacent to the farm parcel could negatively affect the adjoining farm operation by increasing potential for farm/resident conflict. It also sets a precedent. Excluding and re-subdividing homesite severance parcels throughout the Okanagan could have significant implications on farm communities.
- 6) If this exclusion is permitted it is likely that eventually the 1,500 sq meter remainder parcel will also be subdivided into two lots.

ATTACHMENTS

51841 letter.pdf
51841 sketch plan.pdf
51841_ContextMap20k.pdf
51841_AirphotoMap25c.pdf

END OF REPORT

Signature

Date