



Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
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May 3, 2006

Reply to the attention of Brandy Ridout

Jim and Margo Ludwig
132 West Enderby Rd.
Enderby, B.C. V0E 1V1

Dear Mr. and Mrs. Ludwig:

Re: **Application #T-36266**
PID 007-637-764
That part of the NE ¼ (Plan B83), Section 27, Twp. 18, R. 9, W6M, KDYD
Except Plans B6723 and 5907

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to exclude the above noted 1.5 ha property from the Agricultural Land Reserve. The application was submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*.

The Commission wishes to thank you for taking the time to meet with its representatives on Wednesday March 1, 2006. The Commission found the meeting and site visit informative, in particular, the opportunity to discuss detailed development options and the potential to integrate other adjoining properties.

The Commission noted that it had endorsed the Enderby Official Community Plan (OCP) showing a major road bisecting the property diagonally, and the southerly half of the property as having multi family development potential. However, the Commission remained concerned as to the potential impacts of non farm or high density residential development on the 0.5 ha area north of the proposed road. As such the Commission refused the application as proposed. It wanted to retain the northerly 0.5 ha within the ALR as a single family residential parcel to ensure that inappropriate uses or densities are not developed adjacent to the cultivated field.

The Commission is prepared to exclude the 0.5 ha area (approximately) lying to the south of the proposed road alignment. The decision is subject to:

- the preparation of a subdivision plan to delineate the area to be excluded as shown on the attached drawing.
- the dedication of a road right of way diagonally through the property as noted on the attached map (and shown in the OCP).
- compliance with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment. The Commission suggests you contact the City of Enderby at your earliest convenience.

The decision noted above is recorded as Resolution #180/2006.

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Please send two (2) paper prints of the final survey plans to this office well in advance of commencing registration at the Land Titles Office. When the Commission confirms that the subdivision plan is acceptable and verifies that all conditions of approval have been met it will authorize the Registrar of Land Titles to accept the application for deposit of the plan and confirm the exclusion of the area from the Agricultural Land Reserve Plan of the Regional District of North Okanagan.

Please quote your application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a white background.

Erik Karlsen, Chair

cc: City of Enderby

BR/lv/Encl.
36266d1




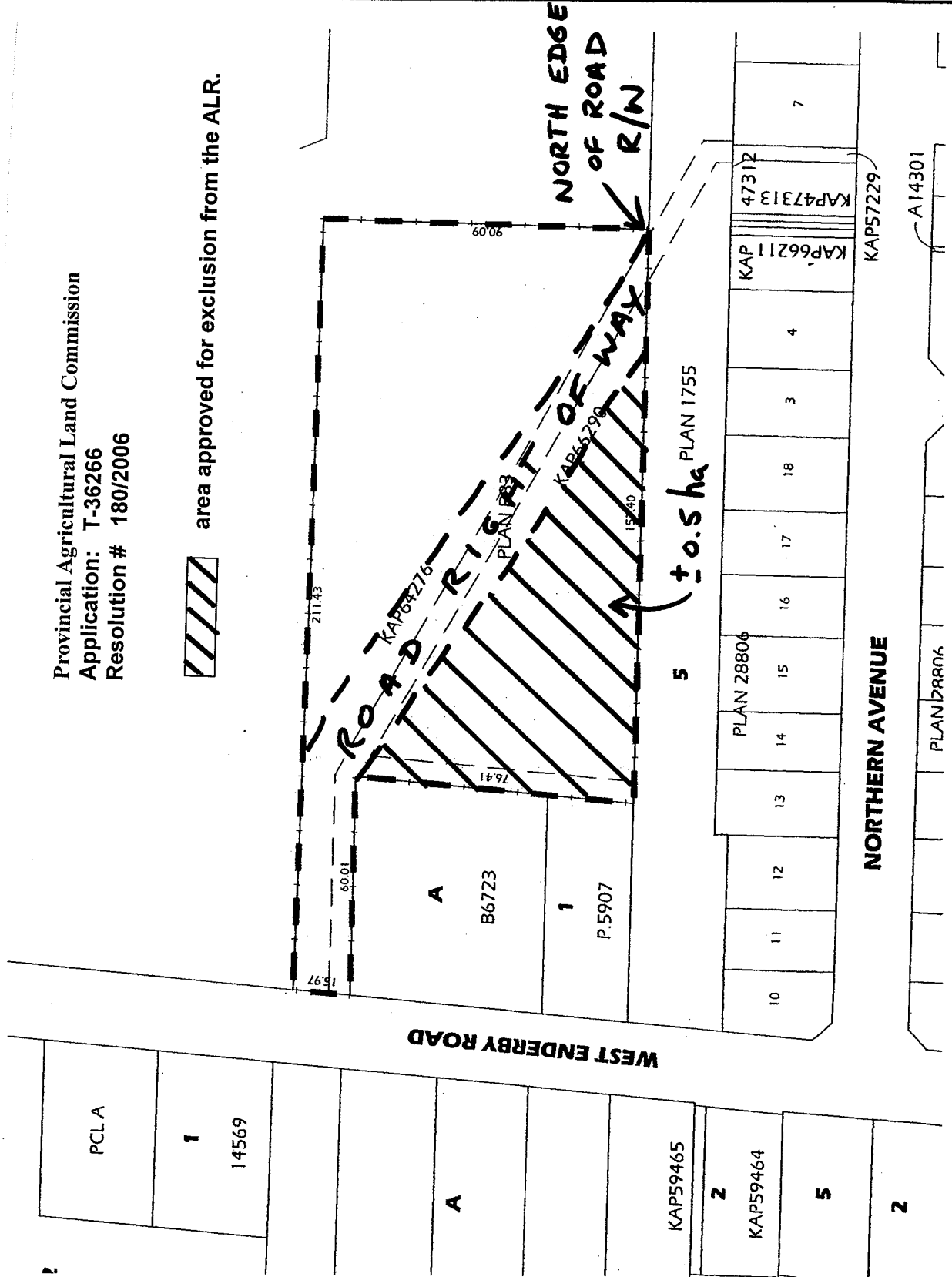
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Exclusion from Agricultural Land Reserve

Ludwig Lands - Lot B, Plan B83, District Lot 27

Provincial Agricultural Land Commission
Application: T-36266
Resolution # 180/2006

 area approved for exclusion from the ALR.



legal plan



URBAN SYSTEMS.

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on April 20, 2006 at the Ministry of Agriculture and Lands offices located at 1690 Powick Road, Kelowna.

PRESENT: Sue Irvine Chair
Sharon McCoubrey Commissioner

ABSENT: Sid Sidhu Commissioner

STAFF: Brandy Ridout, Regional Research Officer
Martin Collins, Planner

For Consideration

Brandy Ridout presented the staff report dated November 18, 2005 regarding application #T- 36266. Ms. Ludwig confirmed that she received the staff report and did not identify any errors.

Site Inspection

A site inspection was conducted on Wednesday, March 1, 2006. Those in attendance were:

- Commissioners Sidhu, Irvine & McCoubrey
- Agricultural Land Commission Staff: Brandy Ridout and Martin Collins
- Margot Ludwig (landowner) and Dallas Wingerak (daughter and agent)

The Commission viewed the property and discussed the spit OCP designation (Medium Density residential and Agriculture). It was noted that the adjoining property to the south was very long and narrow, and may have to be included in any development proposal to achieve a large enough parcel to develop for housing.

Commission Discussion

The Commission discussed the proposal on Thursday March 2, 2006. There was some concern that should the OCP designation of the property guide the decision, that it was possible that the road right of way might be abandoned because future residents might object to a road so close to their homes, particularly when there was potential to locate the road further north into the ALR. The Commission directed staff to discuss the status of road planning affecting the property and report back to the Commission.

Staff was advised by the City's planner, Rob Smailes, that a covenant had been established against lands lying outside the ALR lying adjacent to Highway #97 confirming a future road in this location.

The Commission was not prepared to exclude the entire property because of concerns about increased density north of the road. However, it was prepared to exclude the area lying to the south of the road because its development would have little impact on nearby ALR, and because it was consistent with local government planning.

IT WAS

MOVED BY: Commissioner S. Irvine

SECONDED BY: Commissioner S. McCoubrey

THAT the staff report be received and the application to exclude 1.5 ha from the ALR be refused as proposed on the grounds the land had good capability for agriculture and because about concerns about the impact of inappropriate development adjacent to active farmland.

However, the Commission did support the exclusion (and subdivision) of about 0.5 ha lying south of the proposed road right of way (but not including the right of way), subject to the dedication of the road right of way as shown in the Enderby OCP.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



Staff Report
Application # T – 36266 – 0
Applicant: Jim and Margo Ludwig
Agent: Dallas Wingerak
Location: Enderby

DATE RECEIVED: September 19, 2005

DATE PREPARED: November 18, 2005

TO: Chair and Commissioners – Okanagan Panel

FROM: Simone Rivers, Regional Research Officer

PROPOSAL: To exclude 1.5 ha from the ALR

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The applicants have stated to the City of Enderby that they intend to develop the property in accordance with the OCP, however no development plans have been submitted to date. The property is located within the Enderby City limits. Only the southern portion of the property is designated as Residential Medium Density with the remainder designated as Agricultural.

As the property is located at the edge of the City of Enderby the lands to the north and east of the parcel are within the ALR and are currently being farmed. The applicant has stated that they will comply with the buffering requirements of the Agricultural Land Commission to reduce potential conflicts between farming and residential uses (there is a row of trees existing on the subject parcel that could contribute to a landscape buffer.)

Four adjacent property owners sent in letters of opposition to the application. One additional resident called to voice opposition to the proposal. The majority of comments pointed out the good agricultural capability of the subject property and the desire to not have an increase in residential density in this area. It was pointed out that although the ALR boundary runs along the southern edge of this property, the property directly south of the subject property has not been developed and that the development of land will create an island of residential development surrounded by larger lots. Several concerns about process were also raised with residents showing concern about the location of the sign and the length of time available for residents to comment.

A previous application to exclude this parcel of land was refused by the Commission in 1993.

Local Government:

City of Enderby

BACKGROUND INFORMATION (continued):

Legal Description of Property:

PID: 007-637-764

That Part of the Northeast ¼ (Plan B83) Section 27, Township 18, Range 9, West of 6th Meridian, Kamloops Division Yale District, EXCEPT Plans B6723 and 5907

Purchase Date:

June 1987

Location of Property:

132 West Enderby Road, Enderby.

Size of Property:

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

Present use of the Property:

Residential

Surrounding Land Uses:

WEST: Residential (non-ALR)

SOUTH: Residential (non-ALR)

EAST: Farm, industrial (ALR)

NORTH: Residence, farm (ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 82L/11

The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

City of Enderby Official Community Plan Bylaw 1171, 1995 designates the area as Residential Medium Density & Agricultural.

Zoning Bylaw and Designation:

City of Enderby Zoning Bylaw 966, 1987 designates the parcel as Residential Single Family Zone R.1-A), Minimum Parcel Size 450 m²

PREVIOUS APPLICATIONS:

Application #27990-0

Applicant: James Ludwig

Decision Date: September 15, 1993

Proposal: To exclude the 1.55 ha property for future subdivision into residential lots

Decision: Refused - the property has excellent agricultural capability and is a good buffer between the high-density urban development to the south and the agricultural area to the north. Exclusion would only relocate the urban transition zone without any benefit to agriculture.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Development Services Department: The Development Services Department recommends that Council support the application but that the portion of the application pertaining to lands designated as "Agriculture" in the Official Community Plan not be supported.

City of Enderby Council: Support.

STAFF COMMENTS:

Staff recommend that the Commission consider the following:

- A previous exclusion application by the same owner for this property was refused in 1993
- The property has Prime agricultural ratings.
- The property was zoned the same when the 1993 application was made as it is today, residential, single family (minimum lot size 450 m²).
- The OCP designation of the property has changed slightly since the original application was made from "Residential Low Density / Major Road" to "Residential Medium Density" & "Agriculture".

END OF REPORT



Signature

Nov 23, 05

Date