



Staff Report
Application # H – 36459
Applicant: Hasson Holdings Ltd
Agent: R G (Bob) Holtby
Location: Scotch Creek

DATE RECEIVED: January 03, 2008

DATE PREPARED: January 8, 2008

TO: Chair and Commissioners – Okanagan Panel

FROM: Martin Collins, Regional Land Use Planner

PROPOSAL: To rescind the decision to refuse the exclusion of 27.7 ha on the grounds the Commission had indicated that it would not make a decision on the application until the Electoral Area F Official Community Plan was adopted.

Additionally the applicant has requested an opportunity to review information and make a submission, after the OCP is adopted.

This application is made pursuant to section 33 of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The Commission refused the exclusion application in November 2007 after meeting with Electoral Area F representatives, and concurrently providing comments on the Electoral Area F OCP. The essence of the comments on the Electoral Area F OCP were that the subject property and other adjoining ALR land had good agricultural potential and should be acknowledged and protected as agricultural land in the OCP.

Local Government:

Columbia Shuswap Regional District

Legal Description of Property:

PID: 013-812-009

The Fractional North 1/2 of the North East 1/4, Section 28, as shown upon said Township dated at Ottawa the 27th day of August, 1919, Township 22, Range 11, W6M, Kamloops Division of Yale District

Purchase Date:

July 2005

Location of Property:

Scotch Creek area - Electoral Area F of the Columbia Shuswap Regional District

Size of Property:

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

Present use of the Property:

Forested land with residence and small cleared area around the residence.

Surrounding Land Uses:

WEST: Forested Indian Reserve
SOUTH: ALR and non ALR land, some cleared and used for agriculture
EAST: small lot non ALR residential
NORTH: Non ALR rural residential

Agricultural Capability:

Data Source: On-site soils analysis by A. Dawson indicates that the soil capability ratings are complexes: 5:3M 3:4MP 2:5MP.

Official Community Plan and Designation:

No OCP exists in this area

Zoning Bylaw and Designation:

The Zoning Bylaw designates the land as Agricultural.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

No comment was solicited by the Commission as the rescission of the decision.

STAFF COMMENTS:

Staff recommends that the request be allowed for the following reasons:

- The OCP has not been adopted by the Regional District. The Commission originally indicated that it would not make a decision on the application until the OCP was adopted.
- It is prudent to avoid potential for a legal challenge to the decision on a point of process.

ATTACHMENTS:

- January 4, 2008 letter from Commission to P. Kenward
- December 21, 2007 letter from P. Kenward of McCarthy Tetrault
- June 1, 2006 letter to V. Hassan (landowner)
- November 26th, 2007 minutes outlining the Commission's Decision to refuse exclusion
- February 21, 2006 staff report pertaining to application H-36459
- Airphoto showing property with ALR overlay

END OF REPORT

Signature

Date