



Staff Report
Application # H – 37644
Applicant: Jeffrey Klynsoon
Location: Magna Bay

DATE RECEIVED: August 27, 2007

DATE PREPARED: October 30, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To exclude 9.7 ha of the 28 ha subject property to allow for a subdivision. The applicants have provided two subdivision options: 1) 8 lots of 1 ha each and the remainder; 2) 4 lots of 2.4 ha each and the remainder.

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

BACKGROUND INFORMATION:

The subject property is owned by four separate parties, each of whom would like a separate title. The applicants believe that the proposal to have large lots in this area creates a good buffer between the very small and summer home lots at the east end of the property.

Local Government:

Columbia Shuswap Regional District

Legal Description of Property:

PID: 003-265-439
Lot 13, Section 14, Township 23, Range 10, W6M, Kamloops Division Yale District, Plan 33042

Purchase Date:

October 1991

Location of Property:

6150 Line 17 Road, Magna Bay Area

Size of Property:

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

BACKGROUND INFORMATION (continued):

Present use of the Property:

Used mainly for recreational use.

Surrounding Land Uses:

NORTH: ALR, some grazing, some residential
EAST: Non-ALR, 12 small residential lots
SOUTH: ALR, no agricultural activity
WEST: ALR, hay

Agricultural Capability:

Data Source: Agricultural Capability Map # 82L/14
The majority of the property is identified as having Secondary ratings.

A document by H. A. Luttmending entitled "On-site Inspection and Soils/Landscape/Agricultural Capability Report" and dated March 24, 2003 was submitted with the application. The property is divided into six areas and each of the areas is described (see complete report). It is indicated that "a visual estimation based on the sketch map suggests that at least 60% of the property is unsuited for arable agriculture due to either severely adverse slopes or excessive stoniness.

Official Community Plan and Designation:

This area does not have an OCP.

Zoning Bylaw and Designation:

Zoning: Magna Bay Zoning Bylaw No. 800
Designation: A-Agriculture
Minimum Lot Size: 60 ha

PREVIOUS APPLICATIONS:

Application #27315-0

Applicant: Hendrikus & Johanna Klynsoon

Decision Date: June 22, 1993

Proposal: To exclude a 1 ha portion of the subject property and to subdivide the remainder into four lots of 4 ha and five lots of 2.4 ha.

Decision: Refused. The Commission noted that it had previously required that the 1 ha area under application for exclusion be consolidated to form the subject property. Since this was done in order to buffer this land from the residential lots downslope, the Commission felt that the exclusion of this area for residential development would impact negatively on the remainder of the property. In addition, the property possesses agricultural potential based on its capability ratings. Because past experience has shown that the subdivision of agricultural land reduces the number of agricultural options available to the farmer and creates expectations of further subdivision, the Commission did not look favourably on the proposal.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

CSR Board: Forwarded the application recommending concurrence with the staff report dated July 31, 2007.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS (continued):

CSRD Staff: Does not support exclusion, however, a subdivision of the proposed exclusion area into 4 lots of 2.4 ha as set out in proposal #2 would accomplish the applicants' long range goal of each owner having their own title. The proposal would also provide a buffer between the urban residential lots adjacent to the Squilax-Anglemont Road leaving the remainder in a relatively large parcel to continue with agricultural uses adjacent to other agricultural lands.

OTHER COMMENTS:

- A form letter in support of the application was signed by 5 of the surrounding landowners.
- One person wrote in against the proposal, voicing concerns over the development of farmland for residential uses.

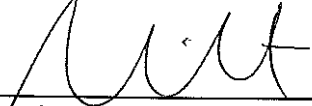
STAFF COMMENTS:

- The Commission previously refused the subdivision of the property on the grounds that the property had agricultural capability and subdivision would reduce the number of agricultural options available to the farmer and create expectations of further subdivision.
- It appears that the residential lots to the east of the subject property are presently buffered by slope and vegetation. If subdivision was allowed as proposed, the residential impact would move to the west and be more intrusive to the remainder of the parcel.
- A site visit may assist in determining the suitability and capability of the property for agriculture and what, if any, impact there would be on surrounding agricultural operations if the proposal was allowed.

ATTACHMENTS:

- ALC Context Map (1:20,000)
- Air photo (1:10,000)
- Agricultural Capability Map 82L/14
- Additional information provided by applicant (7 pages)
- On-site agrologist's inspection report
- CSRD Staff Report

END OF REPORT



Signature

Oct 30, 07

Date