



Staff Report
Application # V – 37715
Applicant: Sarbjeet Khela
Location: 350th Ave Oliver

DATE RECEIVED: September 28, 2007

DATE PREPARED: November 26, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To construct a permanent dwelling on the 4.2 ha property. A covenant, required by Commission Resolution # 199/97, currently prohibits the construction of a dwelling on the property. The Commission required the covenant as a condition of allowing the subdivision of a 0.1 ha lot for retirement purposes for a previous landowner. The proposed home would be approximately 2,000 sq ft, (185 sq meters). However, the yard and access footprint would be much larger. The land proposed for the home and yard is currently in agricultural production.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The Commission originally refused (twice), then allowed the subdivision of the parcel's homesite in 1997.

Local Government:

Town of Oliver

Legal Description of Property:

PID: 011-392-843
Lot 202, District Lot 2450S, Similkameen Division of Yale District, Plan 1789, EXCEPT Plans 20859, 23457 and KAP59660

Purchase Date:

July 1997

Location of Property:

11553 - 350th Avenue, Oliver

Size of Property:

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

Present use of the Property:

Orchard and a storage garage for tools, equipment and supplies

Surrounding Land Uses:

WEST: Urban residential not in the ALR
SOUTH: 4 ha farms in the ALR
EAST: 1.5 ha lots in the ALR
NORTH: 4 ha farm in the ALR

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E.013
The majority of the property is identified as having prime dominant ratings.

Official Community Plan and Zoning Designation:

PREVIOUS APPLICATIONS:

Application #28150-0

Applicant: Alves, Antonio & Maria
Decision Date: September 17, 1993
Proposal: To subdivide the single family residence from the 4.4 ha property because the landowner is in ill health. The applicant does not qualify for consideration under Homesite Severance Policy.
Decision: Refuse as proposed due to good agricultural potential

Application #28150-1

Applicant: Alves, Antonio & Maria
Decision Date: December 11, 1996
Proposal: Subdivide a 0.1 hectare homesite from the property and register a "no-build" covenant on the remainder.
Decision: Refuse due to reasons of impact and agricultural capability, would re-consider if agricultural remnant were consolidated with an adjacent property

Application #28150-2

Applicant: Alves, Antonio & Maria
Decision Date: March 25, 1997
Proposal: To subdivide a 0.1 ha homesite from the property containing the existing home.
Decision: Allow subject to the registration of a "no-build" covenant on the 4.2 ha remainder

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

No comments were provided as per Regional District policy.

STAFF COMMENTS:

Staff suggests the Commission consider the following:

- The Commission previously prohibited the construction of a dwelling to ensure that no arable land would be lost for the construction of a house, yard and access.
- The construction of a new home will result in a small reduction in the land available for agriculture.
- The applicant indicates that once the house is constructed, any open areas would be planted. She also indicates that there are soils problems affecting the house site because recently planted trees are dying.

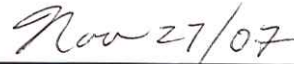
ATTACHMENTS:

- 1:10,000 scale ALR map
- Applicant's sketch

END OF REPORT



Signature



Date