



Agricultural Land Commission Staff Report

DATE: June 24, 2009
TO: Vice Chair and Commissioners - Okanagan Panel
FROM: Martin Collins

RE: Application # 50044
PROPOSAL: To subdivide seven rural residential lots ranging in size from 1 - 2 ha from the 30 ha property, leaving a ~15 ha remainder. The ALR portion of the 30 ha property is ~17 ha. Only one of the proposed lots lies outside the ALR.

PROPOSAL INFORMATION

Background: See staff comments for details.
Received Date:
Applicant:
Agent: June 17, 2009
Local Government: Sawchuk International Real Estate Services Inc.
Jason R. Shortt
Regional District of North Okanagan

DESCRIPTION OF LAND

PID: 024-265-870
Legal Description: Lot 1 Section 10 Township 57 Osoyoos Division Yale District Plan KAP62883
Civic Address: 85 Sugar Lake Rd, Cherryville
Area: 30 ha
ALR Area: 18.5 ha
Purchase Date: March 30, 2007
Owner: Sawchuk International Real Estate Services Inc.

Total Land Area: 30 ha
Total ALR Area: 18.5 ha
Current Land Use: Cleared field areas bisected by Ferry Creek, residence and farm outbuildings.

PROPOSAL DETAILS

Subdivision

Area	Agricultural Capability	Agricultural Capability Source
17.2	Mixed Prime and Secondary	CLI

Number of Lots Lot Size (ha)

2	1.0
2	2.0
2	1.8
1	7.6

Surrounding Land Uses:

North	Sugar Lake Rd., Shuswap River
East	Large cultivated parcel in the ALR
South	Rural residential forested properties in the ALR
West	Sugar Lake Rd., Shuswap River

Official Community Plan

Bylaw Name:	Bylaw #1690
Designation:	Country Residential
OCP Compliance:	Yes

Zoning

Zoning Bylaw Name:	RDNO Zoning Bylaw 1888, 2003
Zoning Designation:	Large Holdings Zone
Minimum Lot Size:	30.5 ha
Zoning Compliance:	No

PREVIOUS APPLICATIONS

Application #: 16079

Applicant: RD of North Okanagan

Proposal: To exclude approximately 4,064 ha from the ALR in the North Okanagan Regional District in Electoral Areas D and E

Decisions:

Resolution

Resolution Number	Decision Date	Decision Description
692	October 24, 2000	The Commission refused the proposal as submitted, retaining 404 ha in the ALR because some lands proposed for exclusion had agricultural capability. However, the Commission agreed to exclude approximately 3,660 ha because these lands had minimal agricultural capability due to soil, topographic factors or existing non farm uses..

Note: Legacy Application # 33425

Committee Recommendations

Type	Recommendation	Description
Board/Council	No Comment	The Regional Board forwarded the application without comment for the Commission's review.

STAFF COMMENTS

Staff suggest that the Commission consider the following:

- 1) The application arises from confusion about the ALR status of the property. The Commission excluded the northerly strip of the property adjacent to Sugar Lake Rd. through a soil capability based review undertaken the Regional District in 2000. The information provided to the landowner about the overall ALR status of the property following the decision was ambiguous, with maps of the revised ALR boundary showing the SE portion of the property in the ALR, but text indicating that the entire property was excluded.
- 2) The land is divided in two diagonally by Ferry Creek. The proposed seven lot subdivision lies west of the Creek. Approximately 25% of the subdivision area does not lie within the ALR.
- 3) There may be limitations for agricultural development on significant portions of the area proposed for subdivision because of RAR provisions and setbacks from watercourses.
- 4) The CLI ratings for the property suggest that the land is comprised of secondary soils, with limitations for stoniness and topography.
- 5) The proposal is consistent with the Electoral Area OCP which was amended to reflect the Regional District's belief that the Commission had excluded the property from the ALR.

ATTACHMENTS

- 50044_ContextMap20k.pdf
- 50044Map.pdf
- 50044_AirphotoMap.pdf

END OF REPORT

Signature

Date