



Staff Report
Application # H – 36324-0
Applicant: Jaltia Management Corp. Inc. No. BC0734143
Agent: Darrell G. Trouton
Location: District of Sicamous

DATE RECEIVED: October 24, 2005

DATE PREPARED: November 7, 2005 amended November 3, 2009

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To exclude 7.5 ha from the ALR for urban residential development.

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

BACKGROUND INFORMATION:

The Commission has not yet made a decision on this application. In December 2005 Sicamous Council met with the Commission to discuss community land use needs, and in particular land for affordable housing. The Commission encouraged the District to undertake a detailed land use analysis which assessed the existing land inventory for residential, commercial and industrial uses, and projected potential land use demand for these uses. The District was also encouraged to assess and set in-fill and densification targets, as well as consider how it intends to accommodate growth in the long term outside the ALR

The District hired a consultant and developed a “*Growth Management Strategy*” which was reviewed by the Commission in June 2007. The Commission endorsed several ALR areas for future industrial, commercial and residential growth because the lands were unsuitable for agricultural development. The subject property was one of the areas endorsed for residential development.

The Commission required that prior to making a decision on any ALR application on land affected by the Strategy that its comments would have to be incorporated into an adopted OCP.

The District of Sicamous, in a letter dated November 3, 2009, has requested that this exclusion application be advanced now that the OCP has been adopted (May 27th, 2009) which incorporated select Growth Management Strategy policies. In addition the District has also adopted an Affordable Housing Strategy which requires that 10% of all new housing be priced a \$190,000.00. As the Commission might recall one of the reasons for approaching the ALC for exclusion was to provide affordable housing for residents of the community. The adoption of an affordable housing policy confirms the District’s commitment to this goal.

Letters of Opposition/Support

Three letters were submitted in opposition to the proposed exclusion. Two are from the same landowners (who happen to own an adjacent residence and a building lot). No rationale is provided. The third letter provided detailed concerns, among them, that the property has good agricultural capability, and that it may be necessary for a reliable food supply.

Twenty-five (25) form letters were submitted in support of the exclusion. Some of the supporters are on a waiting list for a building lot.

Local Government:

District of Sicamous

Legal Description of Property:

Lot 15, District Lot 497, Kamloops Division Yale District, Plan 5217, EXCEPT Plans 11304, 14124, 17486, 17487, 19267 and 30749 (PID: 010-330-607)

Purchase Date:

September 2005

Location of Property:

727 Parksville Street, Sicamous

BACKGROUND INFORMATION (continued):

Size of Property:

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

Present use of the Property:

Residence, mobile home, vacant land, reverting to bush, with a residence and mobile home.

Surrounding Land Uses:

- WEST:** Urban residential lots outside the ALR
- SOUTH:** Two rural residential lots in the ALR
- EAST:** Community park and school, outside the ALR
- NORTH:** Urban residential development outside the ALR

Agricultural Capability:

Data Source: Agricultural Capability Map # 82L/15
The majority of the property is identified as having prime dominant ratings.

Official Community Plan and Designation:

The OCP designates the property for Large Holdings (LH)

Zoning Bylaw and Designation:

Large Holdings
Minimum lot size: 16 ha

PREVIOUS APPLICATIONS:

Application #02803-0

Applicant: Old Crow Holdings Ltd.
Decision Date: January 1, 1975
Proposal: To include the 9 ha property into the ALR to rectify a plotting error.
Decision: Allowed.

Application #01577-0

Applicant: Old Crow Holdings Ltd.
Decision Date: September 22, 1976
Proposal: To exclude the 9 ha property for residential development.
Decision: Refused - the land has good agricultural capability ratings and with good management practices, is capable of producing small fruits, cereal grains, forages and vegetables.

Application #04746-0

Applicant: Old Crow Holdings Ltd.
Decision Date: November 16, 1977
Proposal: To exclude the 9 ha property for residential development.
Decision: Refused - the land has high agricultural capability. The Commission noted it would be prepared to consider the application when a community plan for the area is completed.

Application #04746-1

Applicant: Old Crow Holdings Ltd.
Decision Date: May 30, 1979
Proposal: To exclude 1.4 ha for road development along the northern portion of the property.
Decision: Allowed - subject to fencing along the southern boundary of the road right-of-way.

Application #13255-0

Applicant: Old Crow Holdings Ltd.
Decision Date: November 4, 1981
Proposal: To exclude the 7.5 ha property for residential development.
Decision: Refused - the land has good agricultural capability.

Application #25280-0

Applicant: Old Crow Holdings Ltd.
Decision Date: September 11, 1991
Proposal: To exclude the 7.5 ha property for development.
Decision: Refused - no evidence to support the need for this area to be excluded.

Application #34491-0

Applicant: Old Crow Holdings Ltd
Decision Date: September 18, 2002
Proposal: To exclude the 7.5 ha property from the ALR to facilitate the potential development of the property.
Decision: Refused - the property has very good agricultural capability and exclusion of the land has been consistently refused by the Commission since 1976.

RELEVANT APPLICATIONS:

Application #36296-0

Applicant: Lambert Timmers

Decision Date: Application in process

Proposal: To exclude 14 ha from the ALR for suburban residential development.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The District of Sicamous originally forwarded the application with a recommendation of support.

In a letter dated November 3, 2009 the District indicates that the landowner has requested that the file be advanced as quickly as possible now that the OCP has been adopted.

STAFF COMMENTS:

Staff suggests that the Commission consider the following.

- Previously the Commission has refused the exclusion of this property because it has good agricultural capability. However, there is no evidence that the land has been used for agriculture since it was included into the ALR in 1975.
- The soil quality and size of the property suggest that the land is capable of being developed for farm uses. However, the land may not be suitable for agricultural development because it is bounded on three sides by urban residential lots, increasing the likelihood that the result of intensive agricultural development would be conflict with its residential neighbours.
- The Commission has endorsed the May 2009 District of Sicamous OCP which identifies the subject property as appropriate for exclusion. The OCP endorsement arose from the Commission's review and partial endorsement of the District of Sicamous Growth Management Strategy.
- The District of Sicamous has adopted an affordable housing policy for new home construction, consistent with its commitment to ensure some new home construction will be affordable for low to mid income residents of Sicamous.

END OF REPORT

Signature

Date

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on _____, 2005 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

PRESENT: Sue Irvine Chair
Sid Sidhu Commissioner
Sharon McCoubrey Commissioner

ABSENT:

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

For Consideration

Brandy Ridout presented the staff report dated ____2005 regarding application #H- 36324. Mr. / Mrs. / Ms. _____ confirmed that he / she / they received the staff report and did not identify any errors. (or) identified the following errors:

- Commissioners Sidhu, Irvine & McCoubrey
- Agricultural Land Commission Staff: Brandy Ridout, Regional Research Officer and Martin Collins, Planner

Site Inspection

A site inspection was conducted on _____ Those in attendance were:

- Commissioners Sidhu, Irvine & McCoubrey
- Agricultural Land Commission Staff: Brandy Ridout, Regional Research Officer and Martin Collins, Planner
-

Insert matters discussed at site inspection. (eg: Mr. John Smith provided additional photographs of the area to be subdivided which have been added to the file.)

The site inspection lasted from _____ a.m. to _____ a.m.

Exclusion Meeting

An exclusion meeting was conducted on _____ (Date) at _____ (eg: the City Hall in Penticton located at 123 Main Street). Those in attendance were:

- Commissioners Sidhu, Irvine & McCoubrey
- Agricultural Land Commission Staff: Brandy Ridout, Regional Research Officer and Martin Collins, Planner
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If additional documents are provided at the exclusion hearing / meeting please identify. (eg: Mr. John Smith provided additional photographs of the area to be subdivided which have been added to the file.)

The exclusion hearing / meeting lasted from 9:00 a.m. to 9:30 a.m.

Commissioner Eligible to Vote

Commissioner _____ was not present at the site inspection / exclusion hearing / meeting and confirms that he / she is eligible to vote on the application as he / she was given a summary of the site inspection / exclusion hearing / meeting.

Commission Discussion

IT WAS

MOVED BY: Commissioner

SECONDED BY: Commissioner

THAT the staff report be received and the application be approved as recommended.

THAT the staff report be received and the application be refused as recommended.

THAT the staff report be received and the application be (Insert other decision).

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

CARRIED

