



Agricultural Land Commission Staff Report

DATE: November 17, 2009
TO: Vice Chair and Commissioners - Okanagan Panel
FROM: Brandy Ridout

RE: Application # 50442
PROPOSAL: To subdivide the 24.3 ha subject property into two lots along Albas Road - 10.9 ha and 13.4 ha.

PROPOSAL INFORMATION

Background: The Commission allowed Albas Road to access non-ALR lands.
Received Date: August 26, 2009
Applicant: Albas Ventures Inc.
Agent: R.G.(Bob) Holtby
Local Government: Regional District of North Okanagan

DESCRIPTION OF LAND

PID: 008-336-245
Legal Description: Lot A, Section 29, Township 18, Range 8, W6M, Kamloops Division of Yale District, Plan 17943
Civic Address: 26 Albas Road, Enderby
Area: 24.3 ha
ALR Area: 24.3 ha
Purchase Date: June 26, 2006
Owner: Albas Ventures Inc.

Total Land Area: 24.3 ha
Total ALR Area: 24.3 ha
Current Land Use: House and outbuildings; 2 fields

PROPOSAL DETAILS

Subdivision

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

Number of Lots Lot Size (ha)

1	10.9
1	13.4

Surrounding Land Uses:

North	Non-ALR, rural residences
East	Farm land
South	Rural residences: Shuswap River
West	Farm land

Official Community Plan

Bylaw Name: Electoral Area 'F' OCP Bylaw No. 1934 (2004)
Designation: Non-Urban/Major Road/Development Permit Area
OCP Compliance: Yes

Zoning

Zoning Bylaw Name: No. 1888 (2003)
Zoning Designation: Non Urban Zone (NU)
Minimum Lot Size: 7.2 ha
Zoning Compliance: Yes

PREVIOUS APPLICATIONS

Application #: 44836
Applicant: Albas Ventures Inc.
Proposal: To include 0.7 ha into the Agricultural Land Reserve

Decisions:

Resolution Number	Decision Date	Decision Description
78	March 6, 2008	Allowed

Application #: 43531
Applicant: Albas Ventures Inc.
Proposal: To construct a new road and to decommission the existing driveway/roadway through the property. The new road will be used to access the three non-ALR 8 ha lots presently being considered for subdivision and for the registered right-of-way for BC Hydro and BC Tel Mobility.

Decisions:

Resolution Number	Decision Date	Decision Description
651	December 12, 2006	The Commission allowed a revised road alignment that did not affect the productive areas of the property.

Application #: 864
Applicant: WILLIAM GORICH
Proposal: To subdivide a 2 ha homesite lot from the 44.4 ha subject property (of which only 21.3 ha are in the ALR).

Decisions:

Resolution Number	Decision Date	Decision Description
530	May 20, 1993	Refuse as proposed. The Commission would allow the subdivision of a 0.5 ha homesite lot in the southeast corner of the property subject to its being fenced and compliance with all homesite severance policy guidelines.

Committee Recommendations		
Type	Recommendation	Description
Planning Staff	Refuse	RDNO Development Services: Recommend that the application not be authorized for submission. The proposed subdivision based on the severance by Albas Road results in parcelization within the ALR and on the fringe of the ALR. Planning Department staff suggest that the Board not approve this application as the applicant has not demonstrated that the proposed subdivision is necessary because the road is an impediment of the current farm operation, also that staff are unwilling to support an application that results in further parcelization of agricultural land.
Board/Council	Approve	RDNO Board: Authorize application for submission.
Advisory Planning Committee	Refuse	RDNO Advisory Planning Commission: Recommend that the application not be authorized for submission. See attachment for details.

STAFF COMMENTS

- Albas Road was allowed through the property to access non-ALR lands beyond to allow them to be subdivided into 2 or 3 lots. The applicants are now proposing to subdivide the ALR portion of the property along that road.
- The applicants' agent notes that there are two fields being farmed on the property - the eastern field is 7.2 ha and the western field is 4.7 ha. They are separated by an unmapped, non arable ridge that prevents contiguous farming between the two fields.
- The property was farmed as a unit by the previous owner, Mr. Gorich, when it was part of a 44.4 ha property that included the non-ALR lands to the north.
- The applicant does not farm the property but rather leases the two fields to two separate farms and it is indicated that the situation would remain the same if subdivision was allowed. There is no benefit to agriculture of allowing the subdivision of the 24.3 ha property.

ATTACHMENTS

- air photo.pdf
- ag cap.pdf
- excerpt of agent's report.pdf
- RDNO Planning report.pdf
- Advisory Planning Commission minutes.pdf
- 27028 sketch.pdf
- 50442_ContextMap50k.pdf

END OF REPORT

Signature

Date
