



Agricultural Land Commission Staff Report

DATE: April 28, 2010
TO: Vice Chair and Commissioners - Interior Panel
FROM: Simone Rivers

RE: Application # 51638

PROPOSAL: To subdivide a 1 ha lot from the 22 ha subject property in order to provide a property for the applicants' daughter.

PROPOSAL INFORMATION

Background: The applicants have owned the property since 1997 and therefore do not qualify for consideration under the Commission's Homesite Severance Policy.
Received Date: March 9, 2010
Applicant: Harold & Marilyn Oliver
Agent: N/A
Local Government: Thompson-Nicola Regional District

DESCRIPTION OF LAND

PID: 003-149-421
Legal Description: Lot 3, Sections 35 and 36, Township 22, Range 17 West of the 6th Meridian, Kamloops Division Yale District, Plan 1513, Except Plan H925
Civic Address: 8289 Edwards Road, Vinsulla
Area: 22 ha
ALR Area: 14.9 ha
Purchase Date: June 30, 1997
Owner: Harold & Marilyn Oliver

Total Land Area: 22 ha
Total ALR Area: 14.9 ha
Current Land Use: Non-irrigated grazing, 1 residence, 1 chicken house, 1 shop, 1 hayshed & storage shed

PROPOSAL DETAILS

Subdivision

Area	Agricultural Capability	Agricultural Capability Source
14.9	Prime	CLI

Number of Lots **Lot Size (ha)**

1 1.0
1 13.9

Surrounding Land Uses:

North Farm
East Yellowhead South Highway No. 5
South Farm
West North Thompson River and CNR

Official Community Plan

Bylaw Name: Kamloops North OCP
Designation: Agriculture
OCP Compliance: Yes

Zoning

Zoning Bylaw Name: Bylaw No. 940
Zoning Designation: SH-1 (Small Holdings)
Minimum Lot Size: 2.0 ha
Zoning Compliance: Yes

RELEVANT APPLICATIONS

Application #: 50689
Applicant: Ruth Konshak
Proposal: To subdivide a 2 ha lot from the 14.8 ha subject property.

Decisions:

Resolution Number	Decision Date	Decision Description
1389	November 5, 2009	Approved subject to the inclusion of the non-ALR portion of the property to the ALR.

Application #: 50689
Applicant: Kenneth & Marlee Larson
Proposal: To subdivide a 2 ha lot from the 14.8 ha subject property.

Decisions:

Resolution Number	Decision Date	Decision Description
1389	November 5, 2009	Approved subject to the inclusion of the non-ALR portion of the property to the ALR.

Application #: 45654
Applicant: Linda Lougheed

Proposal: To subdivide a 2 ha lot from the 21 ha subject property. The owners would remain on the 2 ha property and the remainder is to be sold to their son.

**Decisions:
Resolution**

Number	Decision Date	Decision Description
2285	March 16, 2010	Allowed the subdivision of a 0.4 ha lot separating the owners homesite from the remainder on the basis that the remainder is to be sold to Shane and Kristin Loughed and the registration of a no-build covenant on the newly created property.
136	April 30, 2009	Refused.

Note: Legacy Application # ZZ-38719

Committee Recommendations

Type	Recommendation	Description
Board/Council	No Comment	Thompson-Nicola Regional District Board: The Regional Board forwarded the application under standing resolution with no comments as per policy.

STAFF COMMENTS

The subject property has good agricultural capability which is improvable to 80% Class 2 X - 30% Class 3T.

The properties located on the west side of the highway in this area are of similar size and are in agricultural use.

The Agricultural Land Commission Act allows the placement of a mobile home for a family member on ALR lands.

Previous application # 38719 allowed a 0.4 ha subdivision from a similar sized property. However that subdivision divided the existing homesite from the property and a condition of approval was that a no-build covenant be placed on the remainder of the property. In this case, the applicants have applied for a new lot in order to specifically build a second dwelling.

Application 50689, for a similar property located south of the subject property allowed the subdivision of a portion of the property that was divided by a road subject to the inclusion of a portion of the property into the ALR.

The Commission may wish to consider the following options.

1. allow the subdivision as proposed.
2. allow the placement of a second dwelling on the subject property without allowing subdivision
3. refuse both, the applicant would still have the option of placing a mobile home for a family member on the subject property subject to local government regulation.

ATTACHMENTS

- 51638 airphoto.pdf
- 51638 proposal decription.pdf
- 51638 proposal maps.pdf
- 51638_ContextMap20k.pdf

END OF REPORT

Signature

Date
