



Agricultural Land Commission Staff Report

DATE: May 6, 2010
TO: Vice Chair and Commissioners - Interior Panel
FROM: Simone Rivers

RE: Application # 51672
PROPOSAL: To subdivide 4 ha from the 20 ha subject property.

PROPOSAL INFORMATION

Background: There are two dwellings on the property and the applicants wish to have each dwelling on a separate title.
Received Date: March 29, 2010
Applicant: Donald & Helen Hendricks
Agent: N/A
Local Government: Thompson-Nicola Regional District

DESCRIPTION OF LAND

PID: 006-559-298
Legal Description: Lot A, District Lot 3835, Lillooet District, Plan 23152, Except Plan 40243
Civic Address: 1710 Loon Lake Road
Area: 20 ha
ALR Area: 19.1 ha
Purchase Date: January 5, 1995
Owner: Donald & Helen Hendricks

Total Land Area: 20 ha
Total ALR Area: 19.1 ha
Current Land Use: 2 residences - Manufactured home with basement and addition, and a single family dwelling, metal quonset, a single car garage and workshop

PROPOSAL DETAILS

Surrounding Land Uses:

North Residential
East Residential
South Crown land
West Residential, community hall, Firehall and TNRD transfer site

Official Community Plan

Bylaw Name: Regional Growth Strategy
Designation: Rural
OCP Compliance: Yes

Zoning

Zoning Bylaw Name: Bylaw No. 940
Zoning Designation: RL-1 (Rural)
Minimum Lot Size: 4.0 ha
Zoning Compliance: Yes

PREVIOUS APPLICATIONS

Application #: 36763
Applicant: I & M Henderick
Proposal: To subdivide 1.5 ha from the 20.0 ha subject property.

Decisions:

Resolution Number	Decision Date	Decision Description
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Note: Legacy Application # ZZ-19725
Resolution # 48/1986
Decision Date: January 29, 1986
Decision: Allowed

Application #: 7947
Applicant: Isaac Hendricks
Proposal: To subdivide a 4 ha lot from the 20 ha property. Only 18 ha of the property are in the ALR.

Decisions:

Resolution Number	Decision Date	Decision Description
890	September 27, 1989	Refused on the grounds that the property has good capability for agriculture. Subdivision would reduce the range of agricultural options and encourage subdivision of other properties.

Note: Legacy Application # ZZ-23733

RELEVANT APPLICATIONS

Application #: 41476
Applicant: Evergreen Fishing Resourt Ltd
Proposal: Evergreen Fishing Resort Ltd (Kenneth Ebert) is requesting permission to adjust the boundary of its two lots, each of which is partially within the ALR. The overall proposal involves adding a 0.4 ha portion of DL7619 to DL7368. This area of the lots is outside the ALR, and the adjustment would facilitate the location of a septic field for the diner located along the boundary of the two lots. In order that the area zoned for commercial along the lake does not increase, the RD is requiring a 0.4 ha area of DL7368 be added to DL7619. This area is within the ALR.

Decisions:

Resolution Number	Decision Date	Decision Description
462	October 20, 2004	The Commission allowed the boundary adjustment as proposed.

Note: Legacy Application # ZZ-35592

Application #: 30309
Applicant: N.H. Hendricks
Proposal: To subdivide the 64 ha property in to four (4) lots of 10 ha, 24 ha, 14 ha and 16 ha.

Decisions: Resolution Number	Decision Date	Decision Description
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Note: Legacy Application # ZZ-06993
Resolution # 9430/1979
Decision Date: August 21, 1978
Decision: Refused on the grounds that in a grazing area, large parcels are required for most efficient utilization as ranching units.

RECONSIDERATION:
Resolution # 10415/1979
Decision Date: January 16, 1979
Decision: Refused on the grounds that the parcel should be retained in as large a size as possible in a ranching area.

Application #: 29639
Applicant: N.H. Hendricks
Proposal: To exclude the 16 ha portion of the 64 ha property that is within the ALR. The applicant proposed to divide the property into four (4) lots of 10 ha, 24 ha, 14 ha and 16 ha.

Decisions: Resolution Number	Decision Date	Decision Description
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Note: Legacy Application # ZZ-07893
Legacy Application # 07893
Resolution # 10800/1979
Decision Date: March 7, 1979
Decision: Refused request to exclude the property but allowed subdivision of the 64 ha lot into four (4) 16 ha lots rather than the lots of varying sizes proposed by the applicant

Reconsideration: The applicants asked that the Commission consider allowing the lot configuration originally proposed rather than the four (4) 16 ha lots allowed by Resolution # 10800/1979. The initial lot sizes reflected the existing use of the property.
Resolution # 11055/1979
Decision Date: April 18, 1979
Decision: Allowed the subdivision as requested

Application #: 7950
Applicant: D & P KROGEL
Proposal: To subdivide a 4 ha lot as severed by Loon Lake Road from the 15.4 ha property.

Decisions:
Resolution

Number	Decision Date	Decision Description
846	August 12, 1988	Allowed on the grounds that other applications had been permitted in the past and based on comments from the Forests Resource Officer who did not object to the creation of the subdivision but did document potential problems from increased rural residences in the area and impact to adjacent range lands.

Note: Legacy Application # ZZ-22058

Application #: 7946
Applicant: Kenneth Ebert
Proposal: To subdivide a 4 ha lot from the 15.5 ha property.

Decisions:
Resolution

Number	Decision Date	Decision Description
466	May 26, 1992	Refused on the grounds that subdivision reduces the long term farming potential of the property.

Note: Legacy Application # ZZ-26488

Application #: 7710
Applicant: 406335 BC LTD
Proposal: Propose to subdivide 15.3 ha property into 2 lots of approximately equal size along Loon Lake Road.

Decisions:
Resolution

Number	Decision Date	Decision Description
180	March 24, 1997	Allowed subject to fencing and texas gates on any tracks leading from the subject property to lands beyond and registered maintenance agreement for fences.

Note: Legacy Appliation # ZZ-31248

Committee Recommendations

Type	Recommendation	Description
Board/Council	No Comment	Thompson-Nicola Regional District Board: The Regional Board forwarded the application without comment or recommendation as per policy.

STAFF COMMENTS

Staff note the following. There have been various applications for subdivision of the subject property as well as nearby properties. Some of these have been approved and some have been refused.

A previous request to divide a 4 ha lot from the subject property was refused in 1989.

There are currently two dwellings on the subject property and the applicants wish to obtain separate titles for estate purposes.

The property appear to be mostly forested and is bisected by two creeks.

The applicants state that the property has limited suitability for agriculture because of these creeks and the gullies that cross the property as well as climate and stoniness.

ATTACHMENTS

51672_ContextMap20k.pdf
51632 ag cap.pdf
51632 airphoto.pdf
51672 current land use.pdf
51672 previous applications.pdf
51672 proposal descriptions.pdf
51672 proposal sketch.pdf

END OF REPORT

Signature

Date