



Agricultural Land Commission Staff Report

DATE: August 26, 2010
TO: Vice Chair and Commissioners - Okanagan Panel
FROM: Martin Collins

RE: Application # 51817
PROPOSAL: To subdivide three parcels (totalling 145.9 ha) into five ~10 ha lots and a ~90 ha remainder. The five 10 ha lots occupy the majority of the arable ALR land under application. Approximately 60 ha lies within the ALR.

PROPOSAL INFORMATION

Background: The applicant indicates that although the land is currently in hay production, subdivision into smaller lots would permit intensification of agricultural uses and be consistent with adjoining parcel sizes to the south.

Received Date: July 5, 2010
Applicant: Joseph & Mary Anne Nitsch
Agent: N/A
Local Government: Regional District of Okanagan-Similkameen

DESCRIPTION OF LAND

PID: 026-808-374
Legal Description: Lot 3 Section 31 Township 52 and District Lots 107 and 232S Similkameen Division Yale District Plan KAP81896
Civic Address: 1124 Highway 3A
Area: 21.4 ha
ALR Area: 21.4 ha
Purchase Date: September 13, 2006
Owner: Joseph & Mary Anne Nitsch

PID: 020-807-645
Legal Description: Lot 2 District Lots 107 and 232S Similkameen Division Yale District Plan KAP81896
Civic Address:
Area: 102.6 ha
ALR Area: 16 ha
Purchase Date: September 13, 2006
Owner:

PID: 026-808-382

Legal Description: Lot 4 District Lot 107 Similkameen Division Yale District Plan KAP81896

Civic Address:

Area: 21.9 ha

ALR Area: 21.9 ha

Purchase Date: September 13, 2006

Owner:

Total Land Area: 145.9 ha

Total ALR Area: 59.3 ha

Current Land Use: Hay production, residence and farm buildings.

PROPOSAL DETAILS

Subdivision

Area	Agricultural Capability	Agricultural Capability Source
60.0	Mixed Prime and Secondary	BCLI

Number of Lots	Lot Size (ha)
6	10.0

Surrounding Land Uses:

North Non ALR Crown Land

East Highway #3A, hayland and cattle grazing in the ALR

South Orchard and vineyard in the ALR

West Non ALR hillside, crown land

Official Community Plan

Bylaw Name: No OCP exists in this area

Designation:

OCP Compliance: Yes

Zoning

Zoning Bylaw Name: No zoning bylaw exists in this area

Zoning Designation:

Minimum Lot Size:

Zoning Compliance: Yes

PREVIOUS APPLICATIONS

Application #: 11778

Applicant: Joseph & Mary Anne Nitsch

Proposal: To subdivide three lots (17 ha, 40 ha, 8.5 ha) as divided by Highway #3A into four lots (two on each side of the highway) and to include a 4 ha arable area into the ALR.

Decisions:

Resolution Number	Decision Date	Decision Description
41	January 8, 1999	allowed

Note: This decision resulted in the current lot configuration.

RELEVANT APPLICATIONS

Application #: 45913

Applicant: Tree to Me Agricultural Products

Proposal: To develop a 0.7 ha area of the 15.9 ha subject property with a market garden and parking area. The proposed 845 m² (9,424 square foot) structure would house a public market on the ground floor and residences and accomodation for seasonal farm workers on the second floor.

Decisions:
Resolution Number

Resolution Number	Decision Date	Decision Description
1148	October 5, 2009	1a. Refuse. 1b. Allow subject to the submission of a \$10,000 letter of credit to ensure that the mobile home currently on the property is removed. 2. Refuse. However, relief can be granted for each proposed structure and the covenant can be released in its entirety when the property has been fully developed for agriculture. 3. Allow
460	June 17, 2009	Allowed subject to conditions including the registration of a no-build covenant on the remainder.

Note: This application indicates that there is some interest in intensification of agricultural uses in the area.

Committee Recommendations

Type	Recommendation	Description
Board/Council	No Comment	As per policy the Regional District forwarded the subdivision application without comment.
Advisory Planning Committee	Refuse	The Advisory Planning Commission for Electoral Area "G" recommended that the application be refused. The APC supported the subdivision of three lots and the donation of non arable land to the Land Conservancy, subject to public access to the crown land adjacent to the donation.
Electoral Area Director	Refuse	Elf Christensen, Director of Electoral Area G indicated in a letter dated June 23, 2010 that he did not support the proposed subdivision.
Other	Refuse	The Joint Water Committee of the Keremeos Irrigation District, in a letter dated May 28th, 2010 indicated that it does not support the proposed subdivision because of the potential increase in demand on water supply, and because of the potential negative impacts of additional septic

systems on the quality of water in the aquifer.

STAFF COMMENTS

Staff suggest that the Commission consider the following:

- 1) The parcels under application have a long history of hay production uses. However it is likely that the land has potential for vineyard and tree fruit production. The land lies on the transition between areas of historic hay/cattle production, and intensive tree fruit production.
- 2) The applicant essentially has potential to subdivide and sell three arable lots in the current configuration. A large fourth non ALR parcel could also be subdivided. The subdivision proposal is to subdivide these "three" 20 ha lots into "five" 10 ha lots (with about 10 ha of hillside ALR on the large non arable remainder).
- 3) The Electoral Area Director, the APC and the Keremeos Irrigation District do not support the proposal believing that retaining existing parcel sizes would reduce the impacts of additional residences and structures, and improve the potential for agricultural production.
- 4) The landowner has responded to the concerns of the Irrigation District and the Electoral Area Director by indicating that
 - there is no proven negative impact of septic systems on the aquifer,
 - the amount of water required for hay production is greater than that required for vineyard and tree fruits,
 - there is no evidence that consolidating the arable land into a single agricultural unit would improve agricultural potential.
 - the proposed farm units are an appropriate fit for the community.

ATTACHMENTS

51817 KID letter.pdf
51817 previous decision sketch.pdf
51817 proposed lot configuration.pdf
51817 current lot configuration.pdf
51817 christianson letter.pdf
51817 applicant's response.pdf
51817_ContextMap50k.pdf
51817_AgCapabilityMap20k.pdf
51817_AirphotoMap25k.pdf

END OF REPORT

Signature

Date