Agricultural Land Commission
Staff Report

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

RE: Application # 51889
PROPOSAL: To exclude 4.75 ha from the ALR for low density residential development.

PROPOSAL INFORMATION

Background: No previous applications have been considered on the property.
Received Date: August 9, 2010
Applicant: 0849979 BC Ltd
Agent: R G (Bob) Holtby
Local Government: Township of Spallumcheen

DESCRIPTION OF LAND

PID: 011-258-896
Legal Description: Lot C Section 32 Township 4 Osoyoos Division Yale District Plan 2072 Except Plan 41289
Civic Address: 2150 Powerhouse Road
Area: 4.7 ha
ALR Area: 4.7 ha
Purchase Date: November 2, 2009
Owner: 0849979 BC Ltd

Total Land Area: 4.7 ha
Total ALR Area: 4.7 ha
Current Land Use: Forested rural residence

PROPOSAL DETAILS

Exclusion

Area	Agricultural Capability	Agricultural Capability Source
4.7	Secondary	On-Site

Surrounding Land Uses:

North Forested 2 ha small holdings

East	Forest land in the ALR
South	Forested undeveloped small holdings in the ALR
West	Commercial farms in the ALR

Official Community Plan
Bylaw Name: Township of Spallumcheen OCP Bylaw # 1570
Designation: Agricultural
OCP Compliance: No

Zoning
Zoning Bylaw Name: Bylaw #1700, 2008
Zoning Designation: Agricultural A.2
Minimum Lot Size: 30.5 ha
Zoning Compliance: No

RELEVANT APPLICATIONS

Application #: 37518
Applicant: Erwin & Georgina Desjardins
Proposal: To subdivide a 2 ha lot from the 10 ha property,
Decisions:

Resolution Number	Decision Date	Decision Description

Note: It is noted that the resolution permitting the 2 ha lot indicates that the Commission supports the exclusion of the 3 ha ALR portion of the property because of poor agricultural capability.

Committee Recommendations

Type	Recommendation	Description
Planning Staff	Refuse	Township of Spallumcheen planning staff do not support the proposed exclusion because it is not consistent with local government policies.
Board/Council	No Comment	The Township of Spallumcheen forwarded the application without comment.
Ministry of Agriculture and Lands	Partial	Ministry of Agriculture staff acknowledge that the land has limited capacity for soil based agriculture, but recommend that the land not be intensively developed (urban areas first) and that disclosure statements be provided to landowners indicating that they are in a farming area, and subject to agricultural odors and noises.

STAFF COMMENTS

Staff suggest that the Commissioners consider the following:

1) Although the BCLI mapping indicates that the soils have an improved capability rating of (3A), the land has never been cleared and used for agriculture. Moreover its northwest aspect poses challenges for intensive agriculture. However, it should be noted that a slightly higher capability soil unit located northeast shows signs of agricultural use, indicating the the BCLI mapping may be fairly accurate.

2) The agrologist report submitted with the application indicates that the majority of the parcel has CLI class 5 and 6 ratings, indicating that the land is unsuitable for cultivation and soil based agriculture.

3) Staff recommends a site visit to confirm soils findings and assess impact of more intensive residential uses on farm activity across Powerhouse road.

4) Four letters from neighbouring property owners have been received which comment on the application. Two express concerns about the potential impacts of exclusion and development. Two indicate that they would like similar treatment if the application is approved. The letters are attached for the Commission's consideration.

ATTACHMENTS

51889 correspondence from adjoining landowners.pdf
51889 Agent's (Bob Holtby) report.docx
51889_ContextMap20k.pdf
51889_AirphotoMap10k.pdf

END OF REPORT

Signature **Date**