



Provincial Agricultural Land Commission - Staff Report

Application: 51933

Applicant: Dennis & Barney Kelly
Agent: Tyler Kelly
Local Government: Columbia Shuswap Regional District

Proposal: To subdivide 2.8 ha (all in the ALR) from a 10 ha property. 3.3 ha of the total 10 ha is located within the ALR.

BACKGROUND INFORMATION

A second dwelling has been constructed without permission in the SW corner of the property within the ALR. Columbia Shuswap Regional District staff report that the applicants were made aware of ALR regulations regarding construction of a second residence within the ALR and the option to subdivide along the ALR boundary without an application.

PROPERTY INFORMATION

PID: 007-561-784
Legal Description: Lot 2 Section 30 Township 18 Range 9 West of the 6th Meridian Kamloops Division Yale District Plan 21195
Property Area: 10.1 ha
ALR Area: 3.3 ha
Purchase Date: April 11, 2003
Location: 1101 and 1135 Barney Road south of Gardom Lake
Owner: Dennis & Barney Kelly

LAND USE

Current Land Use:
 Two single family dwellings, a barn, shop and a few accessory buildings.

Surrounding Land Uses:
 North: Tree lined hayfield - Partially ALR
 East: Woodlot - Not ALR
 South: Hayfield and pasture - ALR
 West: Semi-treed pasture - ALR

PROPOSAL DETAILS

Subdivision - ALR Area: 10.0 ha

Number of Lots	ALR Area of Lot (ha)
1	2.8
1	7.2

Agricultural Capability:
 The majority of the area under application is rated as: Mixed Prime and Secondary
Source: BCLI
Mapsheet: 82L/11

RELEVANT APPLICATIONS

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Application ID: 33126 **Legacy #:** 02010
Applicant: Arthur E Coates
Note: (1976) Refused subdivision of 0.8 ha from a 3 ha property.
Located 2 lots west of subject property.

Application ID: 32129 **Legacy #:** 06650
Applicant: E.A. Rosoman
Note: (1978) Refused exclusion of property.
Located 2 lots west of subject property.

Application ID: 31900 **Legacy #:** 08201
Applicant: Haynes Coop Growers Exch.
Note: (1975) Refused subdivision of property into 3 lots.

Located 2 lots west of subject property.

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: Ranchero/Deep Creek Landuse Bylaw No.2100
Designation: R - Rural
OCP Compliance: Yes

Zoning:

Zoning Bylaw Name: Ranchero/Deep Creek Landuse Bylaw No.2100
Zoning Designation: R - Rural
Minimum Lot Size: 60.0 ha
Zoning Compliance: Yes

Comments and Recommendations:

Board/Council

Resolution to recommend refusal defeated 5 votes for and 5 votes against.

Planning Staff

Recommend Refusal:
See attached background information (CSRSD Board Report).

ALC STAFF COMMENTS

Staff would like the Commission to note the following:

- 1) The proposed subdivision and uncompliant dwelling is located on improved mixed prime agricultural land with excess water limitations within the BCLI classification system,
- 2) As mentioned in the CSRSD planning report, the subdivision as proposed leaves the remaining parcel with a small section of ALR land that could be subdivided again under Section 946 of the Local Government act without an ALC application.
- 3) The applicants could still create a legal property line along the ALR boundary to come into compliance with ALR legislation, however local zoning designation R - Rural requires lots to be 60 ha.
- 4) The Area 'D' APC did not recommend approval of this application.
- 5) Given the location of the second dwelling, any subdivision will require a long access road to either Deep Creek Rd or Barney Rd.

ATTACHMENTS

51933_ContextMap20k.pdf
51933_AirphotoMap10k.pdf
51933 - CSRD Development Services Report.pdf
51933 - Subdivision plan.pdf

END OF REPORT

Prepared by: Lindsay McCoubrey