



Provincial Agricultural Land Commission - Staff Report

Application: 52191

Applicant: Arthur & Mona Chambers
Agent: Jason Shortt
Local Government: Regional District of North Okanagan

Proposal: SUBDIVISION - Proposal to subdivide a 0.6 ha from 34.4 ha for the applicant's daughter. The applicants also propose to include a 4.4 ha portion of another property to offset any negative impacts from the proposed 0.6 ha subdivision. See ALC File #52190. This application is being made pursuant to Section 946 of the Local Government Act.

BACKGROUND INFORMATION

The applicant has been approached by the ALC about adding land to the ALR in exchange for approval of the 0.6 ha subdivision.

PROPERTY INFORMATION

PID: 011-181-851
Legal Description: District Lot 16 Osoyoos Division Yale District Except Plan 25662
Property Area: 34.4 ha
ALR Area: 34.4 ha
Purchase Date: May 22, 1975
Location: Hwy #6 - east of Lumby
Owner: Arthur & Mona Chambers

LAND USE

Current Land Use:
 Residential, Agricultural

Surrounding Land Uses:
 North: ALR - 30 ha Residential /horses
 East: ALR - 20+ ha Hay/Pasture
 South: ALR - 64 ha Hay, pasture and swamp
 West: ALR - 64 ha Grain

PROPOSAL DETAILS

Subdivision - ALR Area: 34.4 ha

Number of Lots	ALR Area of Lot (ha)
1	33.8
1	0.6

Agricultural Capability:
 The majority of the area under application is rated as: Prime
Source: CLI
Mapsheet: 82L/02

PREVIOUS APPLICATIONS

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Application ID: 9886

Legacy #: 32045

Applicant: Arthur & Mona Chambers

Proposal: The applicant is seeking permission to subdivide a 0.7 ha lot containing a second dwelling from the property - the second dwelling was approved by the Regional District in May 1997 for farm help purposes and is inhabited by a family member

Decision:

Resolution #	Decision Date	Decision Description
506/1998	July 23, 1998	refused due to reasons of impact

RELEVANT APPLICATIONS

Application ID: 52190

Applicant: Arthur & Mona Chambers

Proposal: INCLUSION - SUBDIVISION - Proposal to and include a 4.4 ha portion to offset any negative impacts from the proposed subdivision of a 0.6 ha portion of another property for the applicant's daughter. See ALC File #52191.

Application ID: 44741

Legacy #: 37924

Applicant: Vincenzo and Marinella d'Errico

Proposal: To subdivide the 37 ha subject property into five (5) lots of 7.4 ha for hobby farms or other uses as permitted under the current zoning.

Decisions:

Resolution #	Decision Date	Decision Description
500/2009	June 17, 2009	Application reconsidered and refused.
252/2008	May 9, 2008	Refused as proposed on the grounds that the Commission believes that grasslands should be retained in large parcels in order to allow their use for agriculture.

Application ID: 17836

Legacy #: 34167

Applicant: Karl & Waltraut Laule

Proposal: To subdivide the 27.7 ha property into one 8.4 ha lot and a 19.3 ha remainder along McInnes Road.

Decision:

Resolution #	Decision Date	Decision Description
113/2002	April 12, 2002	The Commission approved this application to subdivide the property into two lots along McInnes Road on the grounds that its agricultural capability suggested a rural residential rather than agricultural future according to the Commission's OCP review for the area.

Application ID: 11819

Legacy #: 04292

Applicant: J. Schwartz

Proposal: To subdivide an 8.5 ha parcel from the 27.5 ha subject property

Decision:

Resolution #	Decision Date	Decision Description
6349/1977	May 16, 1977	Refused on the grounds that allowing subdivision would be encouraging non-farm residential use in this grazing area and reducing the property to a size where commercial agriculture might become impractical. The road (a rough gravel access road for properties beyond) is not a significant enough divider to justify subdivision.

RELEVANT APPLICATIONS

Application ID: 2131

Legacy #: 28855

Applicant: BOSS ULRICH

Proposal: To construct a third permanent dwelling on the 80 ha subject property for the use of the applicant's son and his wife.

Decision:

Resolution #	Decision Date	Decision Description
427/1994	May 17, 1994	Allowed subject to the house being used by farm help or a family member.

Application ID: 215

Legacy #: 27893

Applicant: FRANCIS & SOPHIE MULHOLLAND

Proposal: subdivide the property into two lots of 2 ha and 3 ha

Decision:

Resolution #	Decision Date	Decision Description
1260/1993	September 13, 1993	The Commission refused subdivision because of concerns about rural residential impact

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: Electoral 'D' and 'E' OCP Bylaw No. 1690, 2001

Designation: Non-Urban, Agricultural, Large Holdings

OCP Compliance: Yes

Zoning:

Zoning Bylaw Name: District of N. Okanagan Bylaw 1888, 2003

Zoning Designation: Non-Urban (NU), Large Holdings (LH)

Minimum Lot Size: 30.5 ha

Zoning Compliance: Yes

Comments and Recommendations:

Advisory Planning Committee

The Advisory Planning Commission of Electoral Area 'D' do not support the recommendations contained in the Development Services report, to not authorize submission of the proposed 0.6 ha subdivision and 4.2 ha inclusion to the ALC. The Advisory Planning Commission authorizes the application for submission to the ALC.

Board/Council

The Regional District of North Okanagan authorize the application for the 0.6 ha subdivision and the 4.2 ha inclusion to be submitted to the ALC.

Other

The Electoral Area Advisory Committee recommend to the Board of Directors that the 0.6 ha subdivision and 4.2 ha inclusion application be authorized and submitted to the ALC.

Planning Staff

The Regional District of North Okanagan Development Services recommend that the proposed 0.6 ha subdivision, and 4.2 ha inclusion not be authorized for submission to the ALC because the size and soil characteristics of the property allow it to be used for agricultural purposes and subdividing it would not be consistent with the Agricultural policies of Electoral Areas 'D' and 'E' OCP. Also, the proposed inclusion of land would not offset the negative impacts of the proposed subdivision.

ALC STAFF COMMENTS

It is recommended that the Commission consider the following:

1) The CLI rating of the subject 34.4 ha property for subdivision is 50% 4MT (improvable to 3T) 50% 7:3MW 3:2X (improvable to 7:2W 3:1). The land is currently used for crops and grazing.

ALC STAFF COMMENTS

2) The Regional District of North Okanagan Planning Staff believe that the agricultural capability of the property is reason to not recommend the subdivision of the proposed 0.6 ha parcel. Planning Staff are also concerned about setting precedent for subdivision of agricultural land, as well as creating small farm parcels used for non-agricultural development, and inflating the value of agricultural land.

3) In 1997, the Regional Board authorized the constriction of a second dwelling on the subject property as a residence for the applicant's daughter. That second dwelling is located on the proposed 0.6 ha subdivision parcel.

4) In 1998 the Regional Board authorized an application to the ALC to subdivide a 0.6 ha portion of the subject property which contained the second dwelling. The ALC refused this application (Res #506/98) and reconsiderations in 2001 and 2002.

5) In 2002, the ALC noted that it has reconsidered decision where it has been demonstrated that it is possible to achieve some net benefit for agriculture which will offset the negative impacts of a proposed subdivision. The applicants are now offering to include 4.4 ha of land from a property on Lumby Mabel Rd into the ALR, in exchange for the subdivision of 0.6 ha from the 34.4 ha subject property.

ATTACHMENTS

52191_ContextMap20k.pdf
52191_AirphotoMap10k.pdf
52191_Proposal Sketch.pdf

END OF REPORT

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