



# Provincial Agricultural Land Commission - Staff Report

## Application: 51908

**Applicant:** Helmuth & Brigitte Koch  
**Local Government:** Regional District of North Okanagan

**Proposal:** To include the 1.7 ha subject property into the ALR. The property was originally excluded from the ALR in 2009 as part of the ALR Boundary review conducted by the Regional District of the North Okanagan and the Commission.

## BACKGROUND INFORMATION

During the review process in 2008-2009 the applicant filed a letter to the District in opposition of the subject property being removed from the ALR.

As it is currently zoned (Country Residential) the owner may apply for farm status with 2,500 \$ farm income.

## PROPERTY INFORMATION

**PID:** 002-908-981  
**Legal Description:** Lot 9 Section 2 Township 19 Range 7 West of the 6th Meridian Kamloops Division Yale District Plan 35039  
**Property Area:** 1.7 ha  
**ALR Area:** 0.0 ha  
**Purchase Date:** April 27, 2006  
**Location:** 2215 Enderby Mable Lake Road  
**Owner:** Helmuth & Brigitte Koch

## LAND USE

### Current Land Use:

Residence with an attached carport, 2 detached sheds, various grape, fruit and nut trees.

### Surrounding Land Uses:

North: Forested rural residential - Not ALR  
East: Forested rural residential - Not ALR  
South: Mabel Lake Rd, forested rural residential - ALR  
West: Forested rural residential - Not ALR

## PROPOSAL DETAILS

**Inclusion Area:** 1.7 ha

### Agricultural Capability:

The majority of the area under application is rated as: Secondary

**Source:** BCLI

**Mapsheet:** 82L/11

## RELEVANT APPLICATIONS

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**Application ID:** 45683

**Legacy #:** 38741

**Applicant:** Rob Smailes

**Proposal:** Block Application - To exclude 1093 ha from the Agricultural Land Reserve in selected areas of Electoral Areas B, C, and F in the Regional District of North Okanagan.

### Decisions:

Resolution #	Decision Date	Decision Description
2657/2010	September 15, 2010	Refuse exclusion of PID's 006-090-681 and 001-492-829 (total 13 ha)
1005/2009	October 5, 2009	Allow exclusion of PID 017-406-064 (8 ha) Allow approximately: 85 ha on Vernon Hill, 345 ha Keddleston/Silver Star, 95 ha Mabel Lake Rd., 150 ha Crossman Rd. 85 ha Hidden Lake Rd.  Kingfisher, portions of Crossman Rd. portions of Vernon Hill. Swan Lake District  Deferred - Upper Davy Road

## LOCAL GOVERNMENT INFORMATION

### Official Community Plan:

**Bylaw Name:** Electoral Area "F" OCP Bylaw No.1934,2004

**Designation:** Bylaw No.1934, 2004

**OCP Compliance:** Yes

### Zoning:

**Zoning Bylaw Name:** Bylaw No.1888, 2003 (CR)

**Zoning Designation:** Country Residential (CR)

**Minimum Lot Size:** 2.0 ha

**Zoning Compliance:** Yes

### Comments and Recommendations:

#### Advisory Planning Committee

Based on the recommendations of Development Services the APC does not support the application for inclusion.

2 members viewed the property and agree that the land is not of prime agricultural value.

1 member noted the ability for the applicant to proceed as intended under the current zoning without ALR status.

1 member noted his opinion in favor of re-instatement based on the proximity of nearby ALR lands (not adjacent).

#### Agricultural Advisory Committee

Recommended to the Board that the inclusion application "...not be authorized for submission to the Agricultural Land Commission." (Extract from the minutes of a meeting of the Electoral Area Advisory Committee Held on Tuesday, July 20, 2010.)

#### Board/Council

Board approved submission of application to the ALC for review "...as recommended by the Area Advisory Committee." (Regional District of North Okanagan Resolution, August 4, 2010).

NOTE: AAC report recommends the Board not support the application to be sent to the ALC for review.

#### Planning Staff

Recommended to the Board of Directors that the application not be submitted to the ALC for review (see attached "Development Services Information Report").

## ALC STAFF COMMENTS

Staff would like the Commission to note the following:

## ALC STAFF COMMENTS

- 1) The subject property has an improved BCLI rating of 60% class 4 - 40% class 5 both with stoniness and topographic limitations.
- 2) The land was part of a bulk land exclusion as found suitable by the Regional District and Commission (see attached ALC file #38741).
- 3) As noted in the Regional District Information Report, the current zoning of 'Country Residential' and 'Agriculture' allow for the pursuant of farm status with proof of 2500\$ on farm income as well as the keeping of a limited number of animals. However, allowing the inclusion into the ALR would permit the land to be used for 'intensive agriculture' which does not limit the number of animals allowed.
  - Please note the applicants have not stated any desire to keep or not keep animals for agricultural purposes.
- 4) The local AAC, APC and the Regional District Planning staff have recorded a recommendation of refusal for the inclusion application.

## ATTACHMENTS

- 51908 - 38741d1 - bulk exclusion decision report.pdf
- 51908 - Applicant letter.pdf
- 51908 - Applicant letter to Regional District of N Okanagan.pdf
- 51908 - Development Services Information Report RDNO.pdf
- 51908 - Property layout Sketch.pdf

## END OF REPORT

**Prepared by:** Lindsay McCoubrey