



Provincial Agricultural Land Commission - Staff Report

Application: 52487

Applicant: Charlotte Ruechel
Agent: Peter Tassie
Local Government: North Okanagan EA

Proposal: To exclude ~1.1 ha portion of the subject property from the ALR to allow for the construction of a new private school building.

BACKGROUND INFORMATION

The subject property is 11.7 ha of which the northern ~1.1 ha is within the ALR. There is an existing private school, "Cedar Bridge School Kinderhouse", on the non-ALR portion of the property. The applicant proposes to construct a new, larger school on the ALR portion of the property however, because a school is not a permitted use in the ALR and the applicant considers the land is not suitable for agriculture, the applicant has applied to exclude the land from the ALR.

- Prior to 2001, the subject property was entirely within the ALR. In the late late 1990s, the Regional District commenced a review of the ALR boundaries in Electoral Area "D" and "E". As a result of this block application, the northern most 1.1 ha of the subject property was retained in the ALR due to its good agricultural capability, while the southern 10.4 ha portion of the subject property was excluded from the ALR.

PROPERTY INFORMATION

PID: 011-881-038
Legal Description: Block A (Plan B4159) of District Lot 394 Osoyoos Division Yale District
Property Area: 11.7 ha
ALR Area: 1.1 ha
Purchase Date: March 15, 2001
Location: 730 Whitevale Road
Owner: Charlotte Ruechel

Total ALR Area:

LAND USE

Current Land Use:

The majority of the property is treed hillside lying outside of the ALR. The most northly portion of the subject property is flat and cleared and contains an existing private school and gravel parking area. The current facility lies just outside of the ALR. The northly ~1.1 ha of the subject property is located in the ALR.

Surrounding Land Uses:

North: Farm land
East: Farm land - grain and hay field
South: Bush hillside
West: Residence

PROPOSAL DETAILS

Exclusion Area: 1.1 ha

Agricultural Capability:

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

Source: CLI

Mapsheet: 82L.025

PREVIOUS APPLICATIONS

Application ID: 16079

Legacy #: 33425

Applicant: RD of North Okanagan

Proposal: Block Application - To exclude approximately 4,064 ha from the ALR in the North Okanagan Regional District in Electoral Areas D and E

Decision:

| Resolution # | Decision Date | Decision Description |
|--------------|------------------|--|
| 692/2000 | October 24, 2000 | The Commission refused the proposal as submitted, retaining 404 ha in the ALR because some lands proposed for exclusion had agricultural capability. However, the Commission agreed to exclude approximately 3,660 ha because these lands had minimal agricultural capability due to soil, topographic factors or existing non farm uses.. |

Note: Block application for exclusion. The subject property was part of this application.

RELEVANT APPLICATIONS

Application ID: 18972

Legacy #: 34313

Applicant: Charlotte Ruechel

Proposal: To subdivide a 0.7 ha ALR lot containing a residence from the 118.4 ha property. Approximately 16.7 ha of the subject property is outside of the ALR.

Decision:

| Resolution # | Decision Date | Decision Description |
|--------------|---------------|--|
| 203/2002 | May 24, 2002 | The Commission refused the application as proposed, but allowed the subdivision of an approximately 5.0 ha lot from the 118.4 ha property on the grounds that the property is bounded by a Creek on the east, a road to the north and the western and southern boundaries extend into the non-ALR portion of the property. |

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: Electoral Areas "D" and "E" OCP Bylaw 1690

Designation: Non-Urban and Agricultural

OCP Compliance: No

Zoning:

Zoning Bylaw Name: RDNO Zoning Bylaw No. 1888

Zoning Designation: NU and A

Minimum Lot Size: 7.2 ha

Zoning Compliance: No

Comments and Recommendations:

Advisory Planning Committee

Agreed that the application should be forwarded to the ALC.

Board/Council

That the proposed exclusion be authorized for submission to the ALC.

Electoral Area Director

that the application be authorized for submission to the ALC.

Planning Staff

The Planning Department recommends that this application not be supported as it does not comply with the Agricultural and School Facilities policies of the Electoral Areas "D" and "E" OCP which states that lands designated as Agricultural are intended to be used for agricultural purposes.

ALC STAFF COMMENTS

Staff has the following comments:

- As noted under Background, the Regional District commenced a review of the ALR boundaries in Electoral Areas "D" and "E". As a result of this review the 1.1 ha ALR portion of the subject property was deemed capable for agriculture, while the southerly 10.4 ha of the subject property and additional lands in the surrounding area were excluded from the ALR.
- The CLI rates the northerly ALR portion of the subject property as 70% Class 2 and 30% Class 3 with the same improved ratings. The subclasses associated with this rating are identified as minor cumulative limitations and stoniness. The southerly majority of the subject property which is out of the ALR is rated as 70% Class 4 and 30% Class 5 with the same improved rating. The subclass associated with this rating is identified as topography.

ATTACHMENTS

52487_AirphotoMap20k.pdf
52487_AgCapabilityMap.pdf
52487_ContextMap20k.pdf
52487Proposal.pdf
52487LocalGov.pdf

END OF REPORT

Prepared by: Ron Wallace, April 26, 2012