



Provincial Agricultural Land Commission - Staff Report

Application: 52514

Applicants: Marc Schroeder, Beverley LeClerc
Local Government: Okanagan-Similkameen EA

Proposal: To subdivide the subject property into two lots of approximately 20 ha and 23 ha. The applicant is seeking approval for subdivision in order to settle with an ownership partner who has requested to be bought out, or provided with land. The proposed subdivision separates the portion of the property with low agricultural capability from the portion of the property with better agricultural capability.

BACKGROUND INFORMATION

The applicants have owned the subject property since 2009 and would like to subdivide in order to settle an ownership issue. There have been no other previous applications involving this property.

The Regional District of Okanagan Similkameen in 2011 adopted a Regional Growth Strategy which seeks to "discourage incremental and additional rural growth, including rezoning of large rural land parcels to smaller parcel sizes, outside of Primary Growth Areas and Rural Growth Areas, except where such growth is infill and does not significantly increase the number of units or the established density and that respects the character of its surrounding."

However, the proposed subdivision results in parcel sizes in excess of the 8 ha minimum specified in the Zoning Bylaw.

PROPERTY INFORMATION

PID: 015-093-506
Legal Description: District Lot 2382S, Similkameen Division of Yale District, EXCEPT Plan 26647
Property Area: 43.3 ha
ALR Area: 43.3 ha
Purchase Date: December 31, 2009
Location: 14 km east of Oliver on the Camp McKinney Rd.
Owners: Beverley LeClerc, Marc Schroeder

Total ALR Area:

LAND USE

Current Land Use:

The subject property is located on the south side of Camp McKinney Road 15 km east of the Town of Oliver. The property currently comprises a single detached dwelling (log house), two storage sheds, a wood shed, a shop / carport and a barn.

Surrounding Land Uses:

North: Rural residential, outside of the ALR
East: Crown land, treed, within the ALR
South: Large holding, treed land, outside of the ALR
West: Agricultural uses, within the ALR

PROPOSAL DETAILS

Subdivision - ALR Area: 43.3 ha

Number of Lots	ALR Area of Lot (ha)
1	23.3
1	20.0

Agricultural Capability:

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

Source: CLI

Mapsheet: 82E.013

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: Osoyoos Rural OCP Bylaw No. 2452

Designation: Agriculture (AG)

OCP Compliance: Yes

Zoning:

Zoning Bylaw Name: Osoyoos Rural Zoning Bylaw No. 2453

Zoning Designation: Agriculture Two

Minimum Lot Size: 10.0 ha

Zoning Compliance: Yes

Comments and Recommendations:

Advisory Planning Committee

The APC recommends to the RDOS that the ALC be advised that the proposed subdivision be approved, subject to the following condition; that the applicants place a covenant on both pieces of land to remain in the ALR.

Board/Council

The Board authorized the PALC to undertake a subdivision in accordance with Section 21(2) of the ALC Act.

Planning Staff

See attached report.

ALC STAFF COMMENTS

Staff has the following comments:

- The proposed subdivision is for the purpose of resolving an ownership issue between the joint owners of the property.
- The proposed subdivision would separate the lower agricultural capability land from the better agricultural capability land. This would result in further limiting the agricultural potential of the land.
- If supported, other property owners in the area could be expecting similar approvals.

ATTACHMENTS

52514LocalGov.pdf

52514_ContextMap50k.pdf

52514_AgCapabilityMap.pdf

52514_AirphotoMap20k.pdf

52514sketchmap.pdf

52514PattonLetter.pdf

END OF REPORT

Prepared by: Ron Wallace, April 23, 2012