



Staff Report
Application # T – 38127
Applicant: Dietrich and Ellen Kruger
Agent: Jason Shortt

DATE RECEIVED: April 18, 2008

DATE PREPARED: May 29, 2008

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To subdivide a 0.4 ha lot from the 1.6 ha property as per Homesite Severance Policy. The applicants indicate they purchased the property in 1962. However, no confirmation of this is provided.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

No previous applications have been considered on the subject property. The most recent application in the surrounding area was submitted in 1990, and was refused. .

Local Government:

Regional District of North Okanagan

Legal Description of Property:

PID: 008-876-070

Lot 1, Section 13, Township 8, Osoyoos Division of Yale District, Plan 15173

Purchase Date:

1962-01-01

Location of Property:

6277 Rimer Road, Vernon

Size of Property:

1.6 ha (The entire property is in the ALR).

Present use of the Property:

Residence, shop, (previously used as a sheep farm). The land is not currently used for agriculture.

Surrounding Land Uses:

WEST: Apple Orchard
SOUTH: Apple Orchard
EAST: Rural Residential - pasture
NORTH: Apple Orchard

Agricultural Capability:

Data Source: Agricultural Capability Map # 82 L/6
The majority of the property is identified as having prime dominant ratings.

Official Community Plan and Designation:

Rural Vernon OCP: Bylaw No. 1708 (2001) Designation: Agricultural

Zoning Bylaw and Designation:

Zoning: Bylaw No. 1888 (2003) Designation: Country Residential Zone (CR)
Minimum Lot Size: 2 ha

RELEVANT APPLICATIONS:

Application #29825-0

Applicant: Fehling, Alwin & Hilda
Decision September 12, 1995
Date:
Proposal: To subdivide a 0.25 ha homesite lot from 2.25 ha property.
Decision: Refuse. Increased parcelization in agricultural area and remainder too small to be considered agricultural.

Application #29825-1

Applicant: Fehling, Alwin & Hilda
Decision November 04, 2003
Date:
Proposal: To subdivide a 0.25 ha homesite lot containing the existing residence from the 2.25 ha property.
Decision: Allow subject to the conditions of Homesite Severance Policy. The Commission amended its original decision because the remainder had very limited agricultural capability.

Application #34359-0

Applicant: Leman, Rody & Carelyn
Decision July 23, 2002
Date:
Proposal: To subdivide a 0.2 ha lot from a 1.4 ha parcel. The applicants qualify for consideration as per Homesite Severance Policy based on length of ownership.
Decision: The Commission refused the application on the grounds that the remainder of the property after subdivision would be too small from an agricultural perspective.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The Regional District of North Okanagan forwarded the application without comment.

Regional District staff did not support forwarding the application for the Commission's review because the remnant parcel size was smaller than the 2 ha minimum lot size permitted by the bylaw.

STAFF COMMENTS:

Staff suggests that the Commission consider the following;

- Homesite Severance is not an automatic right. The remainder of the property, after the severance, must be a size and configuration that will, in the Commission's opinion, constitute a suitable agricultural parcel. In this case, the remainder may, in the Commission's opinion be considered an unsuitable size for a farm parcel.
- There may be merit in exploring options with the applicant as to whether the homesite parcel might be reduced in size, or whether conditions might be placed on the remainder restricting the site (or building coverage) of the new home. In this way the largest potential area of the remainder might be preserved for agricultural uses.

ATTACHMENTS:

- 1:20,000 scale ALR map
- 1:5,000 scale orthophoto
- Applicant's sketch plan

END OF REPORT

Signature

Date