



Provincial Agricultural Land Commission - Staff Report

Application: 52051

Applicant: Cameron & Phyllis Hanna
Agent: Jason Shortt
Local Government: Regional District of North Okanagan

Proposal: To subdivide a 1.1 ha Homesite Severance from the 38 ha subject property, The applicant believes he qualifies for consideration under the ALC's Homesite Severance Policy, claiming to be a minority partner in the farm since the 1960's.

BACKGROUND INFORMATION

No specific proof of the applicant's pre 1972 ownership of the property is provided, such as a pre - 1972 title, or legal partnership agreement. However, in the 1990 will submitted with the application the applicant's father permitted him to purchase the farm at 75% of its assessed value, suggesting a 1/4 ownership share.

PROPERTY INFORMATION

PID: 026-666-448
Legal Description: Lot B District Lot 162 Osoyoos Division Yale District Plan KAP80960
Property Area: 38.8 ha
ALR Area: 38.8 ha
Purchase Date: May 9, 2006
Location: 27 Christian Road
Owner: Cameron & Phyllis Hanna

LAND USE

Current Land Use:
 Residence, multiple farm buildings, creek, forest, hay fields and cattle

Surrounding Land Uses:
 North: Hay and cattle on large parcels in the ALR
 East: Large ALR Hay field
 South: Hay and cattle on large parcels
 West: Non ALR residential

PROPOSAL DETAILS

Subdivision - ALR Area: 38.0 ha

Number of Lots	ALR Area of Lot (ha)
1	37.0
1	1.0

Agricultural Capability:
 The majority of the area under application is rated as: Prime
Source: CLI
Mapsheet: 82 L/2

PREVIOUS APPLICATIONS

PREVIOUS APPLICATIONS

Application ID: 40585

Legacy #: 34977

Applicant: Cameron W. & Phyllis Hanna

Proposal: Applicants are requesting to consolidate an existing small lot (0.4 ha) with their large farm unit (35.9 ha) and create a similar sized small lot in a more suitable location. The applicants have requested to make the new lot 0.4 ha, however the OCP requires a minimum lot size of 1.0 ha. The existing small lot is vacant and is not suited to agricultural use.

Decision:

Resolution #	Decision Date	Decision Description
453/2003	September 19, 2003	The Commission refused the application to subdivide a 1 ha lot subject to the consolidation of a 0.4 ha lot, but was prepared to allow the subdivision of a 0.4 ha lot in an alternate location subject to the consolidation of the 0.4 ha lot.

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: Electoral Areas D and E OCP, Bylaw #1690

Designation: Agricultural

OCP Compliance: Yes

Zoning:

Zoning Bylaw Name: Bylaw #1888, 2003

Zoning Designation: Non Urban

Minimum Lot Size: 30.5 ha

Zoning Compliance: No

Comments and Recommendations:

Board/Council

The Regional District of North Okanagan Board forwarded the application without a recommendation.

Planning Staff

Regional District planning staff recommended that the application be refused on the grounds the applicant has not provided documentary evidence that he has owned and continuously lived on the property since before Dec. 1972.

ALC STAFF COMMENTS

Staff suggests that the Commission consider the following:

- 1) It is uncertain whether the applicant has continuously lived on the property since 1972, nor is the claim of partnership well documented. A site visit and discussion with the applicant is warranted.
- 2) If the applicant does not qualify for consideration under the ALC's Homesite Severance Policy it is recommended that the application be refused. Subdivision of 1.1 ha would reduce the agricultural potential of the subject property and introduce a permanent non farm parcel into this area.
- 3) It is the Commission's experience that small lots in the ALR tend to reduce agricultural activity, erode the productive land base, and raise expectations of future subdivision.
- 4) The land has very good capability for agriculture, with a CLI rating of 7:3MW 3:2X ; improvable to (7:2WI 3:1).

ATTACHMENTS

52051 sketch plan.pdf

52051_ContextMap20k.pdf

52051_AirphotoMap10k.pdf

END OF REPORT

Prepared by: Martin Collins, January 2011