



Provincial Agricultural Land Commission - Staff Report

Application: 52306

Applicant: Bruce Davies
Agent: Urban Connections
Local Government: Regional District of Okanagan-Similkameen

Proposal: SUBDIVISION - To subdivide a 0.2 ha homesite from the 4.1 ha property. The 0.2 ha subdivision would contain the existing house, driveway, landscaped front yard, garage/storage building and septic and backup septic field.

BACKGROUND INFORMATION

The current property owner, Bruce Davies, acquired ownership of the property from his parents in 1987 after his parents had owned and farmed the property and lived on the property for roughly 30 years. The current owner has lived on the property for most of his life except for a few years when he attended a post secondary institution, and has been involved in the farm operation that dates back to the 1960s. After 1987, Bruce's parents continued to work on the farm with Bruce until they retired in the early 1990's.

In 1993 while Bruce's parents were both alive, Bruce had submitted an application to the ALC for a home site severance requesting that a 0.2 ha portion of the southwest corner of the property that accommodates the existing farm house be subdivided from the farm parcel to allow Bruce's parents to retire on the property in the farm home.

In reviewing the application the ALC refused the proposed subdivision and offered Mr. Davies a lifetime lease over the farm house and yard. Mr. Davies did not proceed with the Lifetime Lease but was permitted to continue to live in the house until they eventually required assisted living outside of their home.

Bruce Davies is now 60 years old and after a lifetime of living and working on the farm would like to retire in the farm house and subdivide and sell the remaining farm.

PROPERTY INFORMATION

PID: 006-375-111
Legal Description: Lot 62 District Lot 24508S Similkameen Division Yale District Plan 1950
Property Area: 4.2 ha
ALR Area: 4.2 ha
Purchase Date: February 19, 1987
Location: 9918 26th Avenue, Osoyoos
Owner: Bruce Davies

LAND USE

Current Land Use:

The subject property is used for agriculture and is planted with approximately 3.8 ha of fruit trees including cherries, apricots, peaches and apples. Structurally there is a single family dwelling located on the south west corner of the property and there is a mobile home located on the east side of the property which has been used for farm help accommodation and was occupied at one time by the current property owner.

Surrounding Land Uses:

North: 4 ha agricultural parcel containing a vineyard and a residence
East: Two agricultural parcels, one used as an orchard and the other used as a vineyard
South: 26th avenue and a vineyard beyond
West: Fruit tree farm

PROPOSAL DETAILS

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Subdivision - ALR Area: 4.2 ha

Number of Lots	ALR Area of Lot (ha)
1	4.0
1	0.2

Agricultural Capability:

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

Source: BCLI

Mapsheet: 82E.003

PREVIOUS APPLICATIONS

Application ID: 1409

Legacy #: 27588

Applicant: Bruce Davies

Proposal: To subdivide a 0.2 ha lot from the 4.1 ha parcel to provide the parents with a residential lot. The proposed lot would encompass the existing dwelling and the parents have resided in the house since 1958.

Decision:

Resolution #	Decision Date	Decision Description
534/1993	May 20, 1993	Refused subdivision but allow life estate lease for parents.

RELEVANT APPLICATIONS

Application ID: 40751

Legacy #: 35083

Applicant: Fernando Gaspar

Proposal: To subdivide a 0.4 ha lot from the 4.5 ha subject property in order to allow the owner to build a retirement home and transfer the property to his daughter.

Decision:

Resolution #	Decision Date	Decision Description
13/2004	January 22, 2004	Refused as proposed on the grounds of impact and agricultural capability. The Commission noted that it may be willing to reconsider the application if the applicant could show some possible net benefit to agriculture. This could take the form of a boundary line adjustment with a neighbouring property.

Note: Located on the adjacent property to the north of the subject property.

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: Bylaw No. 2450, 2008

Designation: Agriculture (AG)

OCP Compliance: Yes

Zoning:

Zoning Bylaw Name: Bylaw No. 2451, 2008

Zoning Designation: Agricultural One (AG1)

Minimum Lot Size: 4.0 ha

Zoning Compliance: Yes

Comments and Recommendations:

LOCAL GOVERNMENT INFORMATION

Comments and Recommendations:

Board/Council

The RDOS Board "authorize" the ALC application to undertake a homesite severance subdivision in accordance with Section 21(2) of the ALC Act at 9918 - 26th Avenue, electoral Area 'A'.

Planning Staff

Recommend support for the proposed subdivision under the ALC's homesite severance policy.

ALC STAFF COMMENTS

Staff has the following comments:

- In 1993 the same owner made a similar application to subdivide a 0.16 ha lot with the existing dwelling to provide the parents, who had resided in the house since 1958, a residential lot under provisions of the homesite severance policy. In considering the application the Commission noted the proposal appeared to meet the basic intent of its policy regarding homesites for retiring farmers. However, as the Commission preferred to see the agricultural land base remain intact in order to maximize the future agricultural useage of the total parcel, it refused the application. It did allow the creation of a lifetime lease by explanitory plan for the express use of the parents with the lease to expire when no longer required by them.
- The owners never followed through with the lifetime lease option.
- This application is requesting that the current owner, Bruce Davies, be considered for subdivision of the property to create a 0.2 ha home site on the grounds that the family generally meets the basic intent of the ALC's homesite severance policy.
- Should the Commission support the application, it is recommended that the dwelling on the remainder parcel be located on the site of the existing mobile home to help minimize the impact to the agricultural use of the property.

ATTACHMENTS

52306_ContextMap20k.pdf
52306_AgCapabilityMap.pdf
52306_AirphotoMap10k.pdf

END OF REPORT

Prepared by: Ron Wallace, June 2011