



Provincial Agricultural Land Commission - Staff Report

Application: 52413

Applicant: City of Penticton
Agent: Peter Wallace
Local Government: City of Penticton

Proposal: To extend the original decision of the ALC from 1975 to allow the additional dwelling to occupy the property for up to an additional 30 years, with an expiry date during the year 2041.
The existing additional dwelling is considered to have an additional lifespan of approximately 30 years and an extension to the use of this dwelling is therefore requested.

BACKGROUND INFORMATION

The existing house at 620 Munson Mountain Avenue (2nd dwelling) was approved by the ALC in 1975 through a leasehold for 0.221 acre portion of the property subject to it being removed on or before April 24, 2000. The City approved a Building Permit for this house in 1975. It was recently been discovered that the house built in 1975 (625 Munson Mountain Avenue) should have been removed in 2000, in accordance with the ALC requirements (see under previous applications for details).

In 2004 the City of Penticton purchased the property for conversion to park, however the property could not be removed from the ALR preventing that intended use. The property had been listed for sale with an offer to purchase in place, when the issue of the non-conforming structure was discovered.

PROPERTY INFORMATION

PID: 012-315-745
Legal Description: Lot 145, District Lot 187, Similkameen Division of Yale District, Plan 450, EXCEPT Plan M16292
Property Area: 3.8 ha
ALR Area: 3.8 ha
Purchase Date: April 29, 2004
Location: 1125 Munson Avenue
Owner: City of Penticton

Total ALR Area:

LAND USE

Current Land Use:

There are two dwellings on the property. The main dwelling at 1125 Munson Avenue was approved by the City in 1976 through a building permit. The secondary dwelling at 620 Munson Mountain Avenue is a 3 bedroom 110 sq. m. dwelling on a full basement.

Surrounding Land Uses:

North: Agricultural use
East: Agricultural use
South: Agricultural use
West: Park and residential use

PROPOSAL DETAILS

Non- Farm Use Area: 0.1 ha

Non- Farm Use Type: Residential: Additional Dwelling(s)

Agricultural Capability:

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

Source: CLI

Mapsheet: 82E.053

PREVIOUS APPLICATIONS

Application ID: 41450

Legacy #: 35569

Applicant: Penticton

Proposal: To use 12.2 ha (comprising three 4 ha parcels) for community recreation purposes (both passive and active). The City of Penticton considers this application as a community need for increased parkland infrastructure, supported by the City of Penticton Official Community Plan and Parks, Recreation and Culture 10 year Master Plan.

Decision:

Resolution #	Decision Date	Decision Description
524/2004	November 24, 2004	The Commission refused the use of the 12. 2 ha area for playing field purposes on the grounds parts of the area had capability for agriculture and the non farm use would negatively affect surrounding agricultural operations.

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: OCP Bylaw 2002-20

Designation: AG - Agriculture

OCP Compliance: Yes

Zoning:

Zoning Bylaw Name: Zoning Bylaw 387-65

Zoning Designation: A - Agriculture

Minimum Lot Size: 2.0 ha

Zoning Compliance: Yes

Comments and Recommendations:

Board/Council

That the application to extend the residential use of the second dwelling for an additional 30 years proceed to the ALC with Council support.

Planning Staff

Staff considers that an extension to the original lease will allow the second dwelling to remain on the property, will have no detrimental impact on the agricultural character of the property and recommend that Council support this application and forward it onto the ALC for consideration.

ALC STAFF COMMENTS

Staff has the following comment:

- The additional dwelling has been in existence since 1975 and was supported by the ALC through a leasehold from that time through to April 2000.
- The additional dwelling is located on the western edge of the property and has no significant impact on the agricultural usability of the property.

ATTACHMENTS

52413_ContextMap20k.pdf

52413_AgCapabilityMap.pdf

52413_AirphotoMap10k.pdf

52413map.pdf

END OF REPORT

Prepared by: Ron Wallace, Land Use Planner