



# Provincial Agricultural Land Commission - Staff Report

## Application: 52657

**Applicant:** Gary Weninger  
**Local Government:** Columbia Shuswap EA

**Proposal:** To exclude an approximately 1 ha portion of the subject property from the ALR for the purpose of creating another residential lot. The area proposed for exclusion is located in the southeast corner of the property adjacent to Mobley Road to the east.

The applicant has submitted an inclusion application to the Regional District which would be processed for submission to the ALC subject to approval of the current exclusion application. The area of inclusion (~1 ha) is approximately equal in size to the area proposed for exclusion, and is located in the northeast corner of the subject property which lies outside of the ALR.

### BACKGROUND INFORMATION

An application (ALC #22-H-82-15370, see under Previous Applications for details) was made in 1982 involving the subject property requesting the subdivision along the ALR boundary of the 16 ha property. The applicant wished to sell the portion west of Mobley Road to their daughter for the purpose of building a home. The application was allowed.

The local area is currently without the benefit of land use regulations, however an OCP is in process for the whole of Electoral Area 'C'; the bylaw received first reading on November 17, 2011. The subject property is designated AG - Agriculture in the draft OCP.

### PROPERTY INFORMATION

**PID:** 003-680-347  
**Legal Description:** Legal Subdivision 3 Section 14 Township 21 Range 10 West of the 6th Meridian Kamloops Division Yale District Except Plans 30732, 37158, KAP48466  
**Property Area:** 5.6 ha  
**ALR Area:** 4.4 ha  
**Purchase Date:** September 8, 2004  
**Location:** 3702 Bohn Road, Tappen  
**Owner:** Gary Weninger

**Total ALR Area:**

### LAND USE

#### Current Land Use:

It is estimated that 4 ha of the 5.6 ha subject property lies within the ALR. The northwest quarter of the property lies outside of the ALR and consists of a Canada Land Inventory rating of Class 6 soils with stoniness and topography as limiting factors. The area of the property proposed for exclusion has a CLI rating of Class O5 - organic soils. The remaining portion of the property has a CLI rating of Class 4FM improvable to Class 3FM - with low fertility and moisture deficiency limitations.

A single family dwelling and a few sheds are located on the property.

#### Surrounding Land Uses:

North: Residential, Agriculture  
East: Treed, Rural, Agriculture  
South: Residential  
West: Treed, Rural, Agriculture

## PREVIOUS APPLICATIONS

**Application ID:** 32312

**Legacy #:** 15370

**Applicant:** Mary Mayfield

**Note:** An application requesting the subdivision along the ALR boundary of the subject 16.0 ha property. The applicant wishes to sell the portion west of Mobley Road to a family member for the purpose of building a home. The portion west of the road (6.0 ha) within the ALR, has a capability rating a class 4FM (3FM) and Class O. The portion east of the road (~10 ha) has a Class 6PT rating. The ALC allowed the application.

## RELEVANT APPLICATIONS

**Application ID:** 23321

**Legacy #:** 06829

**Applicant:** G. & E. BOHN

**Note:** On December 5, 1978 the Commission considered and refused a request from the applicants to exclude the 16 ha (40 acres) of the property described as L.S. 4, Section 14, Township 21, Range 10, W6M. The decision was based the property having good agricultural capability. On April 8, 1979 the applicant requested permission to subdivide one 18 acre lot on the westerly portion of the property which was approved by the Commission.

**Application ID:** 17517

**Legacy #:** 25113

**Applicant:** Willie and Marjorie Girard

**Proposal:** To subdivide the 8.6 ha parcel into three lots of 8 ha, 4 ha and 3.4 ha.

**Decision:**

Resolution #	Decision Date	Decision Description
357/1991	May 7, 1991	Refused on the grounds that the property has fairly good agricultural capability and subdivision will reduce that potential and increase the pressure for further subdivision of this property and surrounding land in the ALR.

## LOCAL GOVERNMENT INFORMATION

**Official Community Plan:**

**Bylaw Name:** N/A

**Designation:** N/A

**Zoning:**

**Zoning Bylaw Name:** N/A

**Zoning Designation:** N/A

**Comments and Recommendations:**

**Advisory Planning Committee**

The Area "C" Advisory Planning Commission recommended approval subject to the proposed inclusion.

**Board/Council**

That the application be forwarded to the ALC with a recommendation of approval.

**Planning Staff**

Development Services staff recommends refusal for the following reasons:

- Potential parcelization on agricultural lands could reduce the agricultural capability of the land.
- There is no land use regulation in the area that establishes minimum parcel sizes which could lead to an increase in small lot residential development. This may further lead to agricultural-residential conflicts.
- the soils on the proposed exclusion portion of the property have agricultural potential, while the Class 6 soils on the proposed inclusion portion of the property are not ideal for inclusion into the ALR.

## **ALC STAFF COMMENTS**

Staff has the following comments:

- The portion of the subject property proposed for exclusion from the ALR has a CLI rating of Class O5 - organic soils; while the portion of the subject proposed for inclusion into the ALR has a lower CLI rating of Class 6PT - stoniness and topography limitations.
- The purpose of the proposed exclusion is to accommodate the creation of another residential lot which is not consistent with the mandate of the ALC.
- There is currently no land use regulation in the area. However, an OCP is in process for the whole Electoral Area, which will help identify suitable future residential areas.

## **ATTACHMENTS**

52657BoardReport.pdf

52657Letters.pdf

52657\_ContextMap35k.pdf

52657\_AgCapabilityMap\_HR.pdf

52657\_AirphotoMap10k\_HR.pdf

## **END OF REPORT**

**Prepared by:** Ron Wallace, August 2, 2012