



Staff Report
Application # YY – 35844-1
Applicant: Susan Perry and Henry Robert (Bob) Menzel

DATE RECEIVED: December 13, 2005

DATE PREPARED: April 3, 2009

TO: Chair and Commissioners – South Coast Panel

FROM: Tony Pellett, Regional Planner

PROPOSAL: To exclude the subject property from the ALR.

This application is made pursuant to section 30(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

- The original application was received following full compliance with notification requirements, including posting of a notice on the road frontage. One part of the property is inaccessible and thus did not require posting, nevertheless the applicants properly notified the owners of the only ALR parcel which adjoins that inaccessible parcel. Those owners registered no objection to the proposed exclusion.
- The overall application was refused on the grounds that the excess water limitations could be overcome to a large extent by the installation of improved drainage, but after review of planning issues, the Commission advised the applicants that it would reconsider the application. It was expected that the Village of Pemberton would provide more detailed information on which the Commission could base a decision, thus the Commission held the reconsideration in abeyance. The Village did not respond in a timely manner.
- The opportunity to reconsider the overall application has now been deemed substantially to have timed out, given the length of time since the property was posted.
- The decision to refuse exclusion of the inaccessible portion may still be reconsidered because posting is unnecessary, the adjacent ownership has not changed and it is clear that exclusion of that area could be beneficial to the adjacent owners.

Local Government:

Village of Pemberton

Legal Description of Property:

PID: 025-641-638

Lot B, District Lot 202, Lillooet District, Plan KAP73119 – portion east of Plan A-20

Purchase Date:

2004-02-20

Size of Inaccessible Portion of Property:

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

Present use of the Property:

vacant, treed

Surrounding Land Uses:

WEST: railway on raised grade
SOUTH: vacant, treed 0.4 ha parcel
EAST: watercourses and treed land
NORTH: watercourse

Agricultural Capability:

Data Source: Soil Survey 2003 R. Kuurne P.Ag. (scale 1:3,400)
Class 5w [2w].

Official Community Plan and Designation:

Pemberton OCP: policy 28 is to continue supporting the ALR designation within the Village, and as such the lands are designated Agriculture in the Land Use Plan.

Zoning Bylaw and Designation:

The property is zoned A-1 Agricultural. This zone has no minimum lot size.

PREVIOUS APPLICATION:

Application #35844-0

Applicants: Henry Robert Menzel and Susan Perry

Decision Date: June 23, 2005

Proposal: Exclude an 8.4 ha property to allow for the development of 34 single family homes and 34 townhouse units.

Decision: Refuse as proposed - good capability for agriculture. Would reconsider in context of road network plan.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Village of Pemberton

No comment relevant to this area

STAFF COMMENTS:

The area in question is physically separated from the farm area. When access becomes available, it can be only from the residential area.

The same applies to the isolated and inaccessible 0.1 ha area of the adjacent ALR parcel. Neither area is suitable for agricultural use nor merits ALR protection because of location, site configuration and total separation from the farm area.

Weather, site conditions and rail traffic permitting, it would be useful to climb the rail grade, as that is the only location from which the subject area and adjacent parcel can be viewed.

It is necessary to deal with this long overdue item, whether by allowing, allowing with conditions, refusing, or ruling that this area timed out with the rest of Application #YY-35844.

ATTACHMENTS:

1. Context Map
2. Air Photo Map
3. Ag Cap Map, 1:3,400 scale
4. Survey of existing lot pattern, with subject area and adjacent isolated area each highlighted

END OF REPORT

Signature

Date