



Agricultural Land Commission Staff Report

DATE: May 12, 2010
TO: Vice Chair and Commissioners - Okanagan Panel
FROM: Martin Collins

RE: Application # 51673

PROPOSAL: To undertake a boundary adjustment between two adjoining properties; one of 335 sq meters (6.1 meters by 55 meters long - an old irrigation right of way) and one of 3.27 ha. The proposed lot configuration is a 0.2 ha lot and a 3.1 ha lot. The applicant intends to construct a new home is on the 0.2 ha lot for a family member, and eventually move into the new home when she chooses to sell the farm remainder. The applicant also believes that she qualifies for consideration under the ALC's Homesite Severance Policy, because she became a part owner of the subject property (as well as other properties), through a trusteeship in 1954 upon the death of her father. The trusteeship was to be maintained until the applicant's 21st birthday (1969) or the death of her mother, whichever date was latest. However, at the petition of the family (including the living mother) a 1979 court order revoked the will. The properties were partially distributed in 1983, and fully distributed in 2007. Ms Hochsteiner has lived on the property continuously since 1976.

PROPOSAL INFORMATION

Background: No previous applications have been considered on the property. However, two nearby parcels were each permitted a 0.4 ha homesite severance as per the ALC's Homesite Severance policy.

Received Date: March 30, 2010

Applicant: Gail Hochsteiner

Agent: Urban Connections

Local Government: Regional District of Okanagan-Similkameen

DESCRIPTION OF LAND

PID: 010-707-859

Legal Description: Lot C, DL 157, SDYD, Plan 3847

Civic Address:

Area: .1 ha

ALR Area: .1 ha

Purchase Date: April 1, 2007

Owner:

PID: 010-707-531

Legal Description: Lot 8 District Lot 157 Similkameen Division Yale District Plan 3847

Civic Address: 4223 - 25th Street

Area: 3.2 ha
ALR Area: 3.2 ha
Purchase Date: June 2, 1980
Owner: Gail Hochsteiner

Total Land Area: 3.3 ha
Total ALR Area: 3.3 ha
Current Land Use: Lot 8/Lot C are currently used to raise and train horses. Pasture and training areas are fenced. There is also the applicant's residence, horse paddocks, and a detached garage/storage shed.

PROPOSAL DETAILS

Subdivision

Area	Agricultural Capability	Agricultural Capability Source
3.3	Prime	BCLI

Number of Lots	Lot Size (ha)
1	0.2
1	3.1

Surrounding Land Uses:

North ALR lands in tree fruit production
East Two ALR properties - fruit trees and vineyards
South 3.5 ha agricultural property in tree fruit tree production.
West Large ALR parcel in vineyards

Official Community Plan

Bylaw Name: Electoral Area A OCP Plan bylaw # 2450
Designation: Agriculture
OCP Compliance: Yes

Zoning

Zoning Bylaw Name: Electoral Area A Zoning bylaw # 2451
Zoning Designation: Agriculture One (AG 1)
Minimum Lot Size: 4.0 ha
Zoning Compliance: Yes

RELEVANT APPLICATIONS

Application #: 42583
Applicant: Edgar & Yolanda Liebel
Proposal: To subdivide the a 0.4 ha lot encompassing the homesite from the 4.7 ha property as per Homesite Severance Policy.

**Decisions:
Resolution
Number**

Decision Date
January 19, 2006

Decision Description

Approved 0.4 ha lot. as per Homesite Severance Policy conditions and buffering and fencing.

Application #: 40573

Applicant: Frank W. & Sally J. Perry

Proposal: Applicants are requesting a 0.6 ha homesite severance from the 2.4 ha property. The applicants qualify for consideration under Homesite Severance Policy.

**Decisions:
Resolution
Number**

459

Decision Date
September 19, 2003

Decision Description

The Commission refused the subdivision of a 0.6 ha lot but allowed a 0.4 ha homesite severance subject to the conditions of H.S. Policy

Committee Recommendations

Type

Recommendation

Description

Planning Staff

Approve

Regional District of Okanagan Similkameen planning staff forwarded the application with a recommendation of support as per Homesite Severance Policy.

Board/Council

No Comment

The Regional District of Okanagan Similkameen Regional Board resolved to forward the application for the Commission's review, without comment.

STAFF COMMENTS

Staff suggests that the Commission consider the following:

- 1) The property has good capability for agricultural development. The subdivision of a 0.2 ha area for a residential lot represents a loss of productive capacity.
- 2) The existing Lot C is not a buildable lot. A residential structure could not be constructed because it would not be able to meet the zoning bylaw building setbacks. It is possible that a non residential shed might be constructed on the parcel.
- 3) The Commission may consider the applicant to qualify for consideration under Homesite Severance Policy due to the uncertain ownership of the subject property prior to December 1972. . . Technically the applicant did not own or reside on the property prior to December 21, 1972. However, she was a part owner of the property in 1969 (under trusteeship) and was refused her initial (1969) request to construct a home on the property by the trustee. She was permitted to place a mobile home without a foundation on the property in 1976.
- 4) Should the Commission permit this application on the basis of Homesite Severance Policy, then it should be noted that several other ALR parcels may have been involved in the same trusteeship, and that there are other siblings. Discussions with the agent indicate that although the siblings share the ownership of a large vineyard property north of Osoyoos Lake, neither of the other two siblings have ever lived on the property or have a farming background.

ATTACHMENTS

51673_ContextMap20k.pdf

51673 sketch plan.pdf

END OF REPORT

Signature

Date
