



Agricultural Land Commission Staff Report

DATE: May 25, 2010
TO: Vice Chair and Commissioners - Okanagan Panel
FROM: Brandy Ridout

RE: Application # 51723
PROPOSAL: To subdivide the 6.7 ha subject property into a 1.5 ha lot and a 5.2 ha remainder. The owner wishes to subdivide the property as she is finding it difficult to maintain the property due to age. She would like to sell one of the lots while continuing to live on the remainder parcel.

PROPOSAL INFORMATION

Background: A similar subdivision request has been refused in the past.
Received Date: May 7, 2010
Applicant: Carol Pinette
Agent: N/A
Local Government: Township of Spallumcheen

DESCRIPTION OF LAND

PID: 001-691-376
Legal Description: Lot A Section 15 Township 35 Kamloops (Formerly Osoyoos) Division Yale District Plan 35529
Civic Address: 4622 Highway 97A
Area: 6.7 ha
ALR Area: 6.7 ha
Purchase Date: October 1, 2003
Owner: Carol Pinette

Total Land Area: 6.7 ha
Total ALR Area: 6.7 ha
Current Land Use: Two single family dwellings and several accessory buildings. Each house gains access from Hwy 97A via separate driveways. The westerly portion of the property is generally flat while the easterly portion slopes downwards toward Fortune Creek.

PROPOSAL DETAILS

Subdivision

Area	Agricultural Capability	Agricultural Capability Source
6.7	Prime Dominant	CLI

Number of Lots	Lot Size (ha)
1	1.5
1	5.2

Surrounding Land Uses:

North	Hay field
East	Corn field
South	Residential
West	Hay field

Official Community Plan

Bylaw Name: Township of Spallumcheen OCP Bylaw No. 1570 (2004)
Designation: Agricultural
OCP Compliance: No

Zoning

Zoning Bylaw Name: Zoning Bylaw No. 1700 (2008)
Zoning Designation: Agricultural (A.2)
Minimum Lot Size: 30.5 ha
Zoning Compliance: No

PREVIOUS APPLICATIONS

Application #: 33044

Applicant: Peter Woronchak

Proposal: To subdivide a 1.62 ha lot from the 44.2 ha subject property to allow the applicant to retire and sell the remainder to his son. The applicant qualifies for consideration under the Homesite Severance Policy but has previously applied in 1974 for a similar subdivision which was refused.

Decisions:

Resolution Number	Decision Date	Decision Description
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Note: Resolution #1496/1980 refused the proposal on the grounds that the proposed lot would be an intrusion into an agricultural area and moved that the Homesite Severance package be forwarded to the applicant.

Resolution #476/1984 refused the reconsideration request to subdivide a larger homesite severance than originally requested (6.5 ha) on the grounds that the proposed lot would represent an intrusion into an agricultural area and would result in further lands being alienated for building sites on the remainder of the farm. The revised request was submitted because the applicant had been unable to find a purchaser who is interested in the buildings on the property.

Application #: 29469

Applicant: P & J Woronchak

Proposal: To exclude 6.6 ha of the 44.2 ha subject property in order to create a separate parcel. The 6.6 ha area contains two residences and the majority of the farm buildings. The applicant wishes to retire from farming and has a buyer for his operation who does not require the residences or other farm buildings. The applicant had originally applied for the subdivision of a 6.6 ha lot but was only permitted a 1.6 ha homesite. The applicant indicates that the 6.6 ha parcel is of poor capability and is separated from the remainder of the main farm on the east side by a creek and ravine.

Decisions:

Resolution Number	Decision Date	Decision Description
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Note: Pursuit of this approval created the subject property.

Application #: 10851

Applicant: P & J Woronchak

Proposal: To subdivide a 2 ha lot from the 44.2 ha subject property.

Decisions:

Resolution Number	Decision Date	Decision Description
968	February 14, 1975	Refused

Committee Recommendations

Type	Recommendation	Description
Planning Staff	Refuse	Township of Spallumcheen Development Services: Recommend the application NOT be authorized for submission.
Board/Council	No Comment	Township of Spallumcheen Council: Authorized for submission.

STAFF COMMENTS

- There have been numerous subdivision applications involving this property in the past. In 1975, the subdivision of a 1.5 ha lot was refused. In 1980, the subdivision of a 1.6 ha lot was refused and a reconsideration request to allow a larger lot (6.6 ha) was also refused. In 1984, the exclusion of the 6.6 ha area was refused, however, its subdivision was permitted. In 1992, the subdivision of the 6.6 ha area into a 1.5 ha lot and a 5.1 ha lot was refused. Spallumcheen indicates that an application in 2005 using the same lot lines was not forwarded to the ALC. The current request is similar.

ATTACHMENTS

- 51723_ContextMap20k.pdf
- 51723_AirphotoMap10k.pdf
- 51723_proposal.pdf
- 51723 Spall Report.pdf

END OF REPORT

Signature

Date