



Provincial Agricultural Land Commission - Staff Report

Application: 52216

Applicant: 0831517 BC Ltd
Agent: Barry Chickloski
Local Government: City of Penticton

Proposal: Non-farm Use - The property owners are proposing to build a new house on the subject property. The applicants wish to retain the existing residence as a carriage house for the use of a vineyard manager. The carriage house would also allow for farm offices and storage.

BACKGROUND INFORMATION

The owners wish to house farm workers on the property within existing dwelling on the property. The owners propose to build a new house for themselves on the property. The owners are running a vineyard and are frequently out of the country and therefore need a caretaker to run the vineyard. Also, in order to attract/retain quality farm workers the owners wish to house farm workers within the existing dwelling on the property. Many of the properties surrounding the subject property have additional dwellings for farm workers.

A report was prepared by Regency Consultants Ltd. (R.G. (Bob) Holtby, M.Sc., P.Ag.). Mr. Holtby, interviewed the applicant/owner at the subject property on March 3, 2011. a copy of this report is attached.

PROPERTY INFORMATION

PID: 017-764-335
Legal Description: Lot 2 District Lots 187 and 199 and 204 Similkameen Division Yale District Plan KAP47092
Property Area: 2.0 ha
ALR Area: 2.0 ha
Purchase Date: August 25, 2008
Location: 950 Lochore Road
Owner: 0831517 BC Ltd

LAND USE

Current Land Use:

Currently there are 1.4 ha of grapes planted and in the spring of 2011 it is planned to plant another .4 ha of grapes. There is a single family dwelling, garage/workshop building on the property.

Surrounding Land Uses:

North: Vineyard & residences - Davenport Ave
East: Fruit orchards, residences - Davenport Ave and Evans Ave
South: Fruit orchard, vineyards & residences - Lochore Road
West: Vineyard & winery - Lochore Road

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: Prime

Source: BCL

Mapsheet: 82E.053

PREVIOUS APPLICATIONS

Application ID: 21442

Legacy #: 25694

Applicant: John and Elsie TRABERT

Proposal: To subdivide a 0.2 ha homesite lto from a 1.6 ha property.

Decision:

Resolution #	Decision Date	Decision Description
483/1991	May 8, 1991	Refused on the grounds that the remnant did not constitute a viable agricultural unit, but would allow subdivision subject to consolidation of remainder with an adjoining property.

Note: Legacy File #21-91-25694

RELEVANT APPLICATIONS

Application ID: 20775

Legacy #: 34627

Applicant: Joao & Maria Garcia

Proposal: To consolidate two approximately 0.2 ha lots with a 3.1 ha lot and to subdivide a 0.4 ha lot from the consolidated 3.5 ha lot.

Decision:

Resolution #	Decision Date	Decision Description
34/2003	January 29, 2003	The Commission approved this application as proposed. It is considered to fulfill the entitlement to a homesite severance.

Note: Legacy File #21-02-34627, located across the road southeast of the subject property.

Application ID: 20553

Legacy #: 34575

Applicant: Lorraine Taylor

Proposal: To convert the existing farmhouse into a farm inn.

Decision:

Resolution #	Decision Date	Decision Description
655/2002	December 9, 2002	The Commission allowed this application to redesignate the existing farmhouse as a farm inn on the grounds that it already exists and will have no significant impact on the surrounding properties.

Note: Legacy File #21-02-34575, located a few properties north of the subject property, north of Chapman Road.

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: Bylaw 2002-20
Designation: AG - Agriculture
OCP Compliance: Yes

Zoning:

Zoning Bylaw Name: #87-65
Zoning Designation: A - Agriculture
Minimum Lot Size: 2.0 ha
Zoning Compliance: Yes

Comments and Recommendations:

Agricultural Advisory Committee

That the Agriculture Advisory Committee recommends to Council to reject the proposal presented for a "Carriage House on 950 Lochore Road".

LOCAL GOVERNMENT INFORMATION

Comments and Recommendations:

Board/Council

That the application to permit a carriage house on the subject property be supported, and that the application be forwarded to the ALC with support from the City.

Planning Staff

Local government staff believe this application is not counter to any City policies, is permitted under the current zoning of the property and will not affect the agricultural capability of the property if approved. City staff feel the application should be supported by Council and forwarded to the ALC with a recommendation of support for the non-farm use application.

ALC STAFF COMMENTS

Staff suggests the Commission consider the following comments:

- A report for the applicant was prepared by Regency Consultants Ltd. (R.G. (Bob) Holtby, M.Sc., P.A.G.). The report concluded that the "development of a carriage house residence as part of the redevelopment of the existing house is necessary for farm use."
- The ALC Act, Section 18 and the ALC regulation do not set a limit on the number of additional residences for farm help per parcel, but all residences must be necessary for farm use. The property is currently being used to produce grapes (i.e. 1.4 ha) and there are plans to plant another 0.4 ha of grapes.
- Staff recommends an on-site inspection of the property to determine whether the additional dwelling is necessary for farm help.

ATTACHMENTS

52216Const.pdf
52216LocalGov.pdf
52216_ContextMap10k.pdf
52216_AirphotoMap10k.pdf
52216_AgCapabilityMap.pdf

END OF REPORT

Prepared by: Ron Wallace, April 2011