



# Provincial Agricultural Land Commission - Staff Report

## Application: 52402

**Applicant:** Mike Luniw  
**Local Government:** Township of Spallumcheen

**Proposal:** To subdivide the subject property into a 1.6 ha parcel and an approximately 10.6 ha remainder parcel under the conditions of the ALC's homesite severance policy. The proposed 1.6 ha parcel would contain two existing houses and all the other buildings on the property. The remainder parcel would be vacant and sold to a local farmer who would continue to farm the property.

## BACKGROUND INFORMATION

The applicant has provided proof of title to the property since 1964. The property was subdivided in 1979 to create Lot 1 of plan 30051 to the south and east which was approved by the ALC. The property was further subdivided in 1981 through a boundary adjustment subdivision that created Lot 1 of Plan 32626 to the north. The property was again subdivided in 1995 through a boundary adjustment subdivision that created Lot 1 of Plan 55478 to the west and south.

## PROPERTY INFORMATION

**PID:** 009-539-115  
**Legal Description:** Lot 2 Section 25 Township 7 and of Section 30 Township 4 Osoyoos Division Yale District Plan 10692 Except Plans 30051, 32626 and KAP55478  
**Property Area:** 12.2 ha  
**ALR Area:** 12.2 ha  
**Purchase Date:** August 30, 1995  
**Location:** 1775 Pleasant Valley Road  
**Owner:** Mike Luniw

## LAND USE

### Current Land Use:

The property contains two houses and several accessory agricultural buildings. Access to the buildings is from a driveway that connects to Pleasant Valley Road on the north side of the property. Maid Creek crosses through the property in an east to west direction and to the south of the existing buildings. The remainder of the property is used to produce hay and barley with the exception of several treed gullies. Access to this portion of the property can be gained via a second driveway that connects to Pleasant Valley Road.

### Surrounding Land Uses:

North: Agricultural use  
East: Road, agricultural use  
South: Agricultural use  
West: Agricultural use

## PROPOSAL DETAILS

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Subdivision - ALR Area: 12.2 ha

Number of Lots	ALR Area of Lot (ha)
1	10.6
1	1.6

### Agricultural Capability:

The majority of the area under application is rated as: Mixed Prime and Secondary

Source: BCLI

Mapsheet: 82L.044

## PREVIOUS APPLICATIONS

Application ID: 30577

Legacy #: 07352

Applicant: Mike Luniw

Note: The ALC approved the application to subdivide the subject property (120 acres, 48.6 ha) into two parcels of 5 acres (2 ha) and 115 acres (46.6 ha).

## LOCAL GOVERNMENT INFORMATION

### Official Community Plan:

Bylaw Name: Bylaw No. 1570, 2004

Designation: Township of Spallumcheen OCP

OCP Compliance: Yes

### Zoning:

Zoning Bylaw Name: Bylaw No. 1700, 2008

Zoning Designation: Agricultural (A.2)

Minimum Lot Size: 30.5 ha

Zoning Compliance: Yes

### Comments and Recommendations:

#### Agricultural Advisory Committee

Members of the AAC provided the following comments:

- I would question the division of this property due to access point from the very busy Pleasant Valley Road. Severance would involve yet another driveway off this road for farm machinery. Plus down the road there would be yet another application for houses and buildings on the severed portion.
- Not in favour of this severance.
- Smaller parcels of land are increasingly difficult to farm profitably and then move into the housing/country estate category making them far too expensive to grow food on.
- Almost like a home severance and should be granted.

#### Board/Council

That the application for a homesite severance subdivision be authorized for submission to the ALC. This application meets the guidelines set out by the Township of Spallumcheen for a homesite severance subdivision under Section 946 of the ALC Act. As this property had been previously subdivided, the ALC will need to determine if the previous subdivision was deemed to be a homesite severance under Section 946 of the ALC Act.

#### Ministry of Agriculture and Lands

The Ministry does not support the proposed subdivision as it would limit future agricultural opportunities. It is not clear whether this application should be considered as a homesite severance application given that there has been at least one previous subdivision application involving the property.

## **LOCAL GOVERNMENT INFORMATION**

### **Comments and Recommendations:**

#### **Planning Staff**

The Planning Department recommends that the homesite severance application not be authorized for submission to the ALC as the proposed subdivision does not comply with the Agricultural Policies of the OCP nor the guidelines contained in the ALC and Township HSP.

## **ALC STAFF COMMENTS**

Staff recommends the Commission consider the following comments:

- The applicant has owned and continuously lived on the subject property since 1964, so the applicant is eligible for consideration under the ALC's homesite severance policy (HSP). However, the Commission approved a subdivision involving the same property in 1978 to create Lot 1 of Plan 30051 to the south and east of the property.

- There are a number of guidelines that apply to "homesite severance" applications including - where an applicant for a "homesite severance" has had a previous subdivision application approved by the ALC resulting in the creation of a separate parcel, the ALC may consider the previous approval as having fulfilled the objectives of the HSP and may deny any further consideration under the HSP.

## **END OF REPORT**

**Prepared by:** Ron Wallace, Land Use Planner