



Provincial Agricultural Land Commission - Staff Report

Application: 52690

Applicant: Bryan Stinn
Agent: Monashee Surveying and Geomatics
Local Government: City of Vernon

Proposal: To subdivide an approximately 1.0 ha lot off the 5.6 ha subject property under the ALC's Homesite Severance Policy (HSP) and Section 946 of the Local Government Act.

The proposed homesite lot is located on a sloped area of the property which is outside the current agricultural field area and would be accessed via a panhandle which is located adjacent to the neighbouring parcel. It has been expressed that the proposed new lot has limited agricultural potential due to a significant portion of the property being over 30% slope and contains rocky shallow soils.

BACKGROUND INFORMATION

Upon initial review of this application, the ALC informed the applicant that documentary evidence is required to show that the applicant has continuously owned and occupied the property as the principal place of residence since December 21, 1972 in order to be considered for subdivision pursuant to its HSP. In response the applicant provided a Right to Purchase agreement which was registered in the Kamloops Land Title System against the title to the Property on or about July 1972. In addition, the applicant has prepared an affidavit in which he has sworn an oath that the property was purchased on June 23, 1972 via a Right to Purchase Agreement.

A previous application was made involving the subject property in 1990. At this time the subject property was comprised on two lots, Lots 1 and 2, District Lot 6, Plan 4024, ODYD. The application requested permission to construct a second dwelling on Lot 2. One dwelling is to be rented to a farm employee. The application to construct a second dwelling was allowed provided Lot 1 is consolidated with Lot 2 (this resulted in the creation of the subject property).

PROPERTY INFORMATION

PID: 017-563-445
Legal Description: Lot 1 District Lot 6 Osoyoos Division Yale District Plan DAP46278
Property Area: 5.6 ha
ALR Area: 5.6 ha
Purchase Date: December 9, 1991
Location: 8119 Bench Row Road
Owner: Bryan Stinn

Total ALR Area:

LAND USE

Current Land Use:

The property is used as a small farm that has two residential dwellings.

Surrounding Land Uses:

North: Residential
East: Residential strata
South: Undeveloped hillside
West: Small hobby farm

PREVIOUS APPLICATIONS

Application ID: 37629

Legacy #: 24494

Applicant: Bryan Stinn

Note: To construct a second dwelling on Lot 2; one dwelling is to be rented to a farm employee.

Lot 1 is presently a separate parcel owned by the applicant but it is too steep to build on. The road separates Lot 1 and 2. The applicant intends on consolidating Lot 1 with Lot 2. The application was allowed provided that Lot 1 is consolidated with Lot 2.

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: OCP 2008, Bylaw #5151

Designation: ALR lands

OCP Compliance: Yes

Zoning:

Zoning Bylaw Name: Zoning Bylaw #5000

Zoning Designation: Agriculture (A1)

Minimum Lot Size: 12.0 ha

Zoning Compliance: Yes

Comments and Recommendations:

Board/Council

Moved that Council authorize the submission of the application to the ALC. If the subdivision application is approved by the ALC, the application would then proceed through a City of Vernon subdivision application process with typical approval conditions. These conditions are attached.

Planning Staff

Planning staff recommend that Council authorize the submission of the application to the ALC. This application, if approved by the ALC, would be considered under Section 946 of the Local Government Act which allows for a minimum lot size of 1.0 ha. With ALC approval, the subdivision process would include the conditions as noted in the attached motion from Council.

ALC STAFF COMMENTS

Staff has the following comments:

- The applicant has provided sufficient evidence showing eligibility for consideration under the ALC's Homesite Severance Policy.
- The proposed homesite lot of 1.0 ha is on the southern portion of the property at the base of a steep and rocky hillside. Adjacent to the proposed homesite is existing cultivated (pasture) farmland. Access to the proposed homesite is via a 8 m wide panhandle through the pasture land and along the western side of the property.
- There are additional approval conditions required from the City of Vernon associated with this application process as outlined in the attached report.
- A site inspection is planned for this application.

ATTACHMENTS

52690_ContextMap20k.pdf

52690_AgCapabilityMap_HR.pdf

52690_AirphotoMap10k_HR.pdf

52690Council.pdf

52690Previous.pdf

END OF REPORT

Prepared by: Ron Wallace, August 13, 2012