



Provincial Agricultural Land Commission - Staff Report

Application: 52729

Applicants: Mituru, Masaru & Jane Sakakibara, Fusae Yasunaga
Agent: Murray Rossworn
Local Government: City of Vernon

Proposal: To subdivide approximately 1 ha off the subject 9.6 ha property as part of an estate plan and to enable one of the owners' (a long time manager of the farm) to remain in his current house. The remainder of the farmland, including a second dwelling, would be sold, thus enabling the new owner to potentially farm the property.

The owners' parents purchased the property in the 1920s and actively farmed it since that time. It was explained that the owners "took over the farm in the summer of 1972, following their father's stroke, well before the December 21 deadline for consideration under the ALC's Homesite Severance Policy." As a result, the owners would like to be considered for subdivision under this policy of the ALC.

BACKGROUND INFORMATION

While the parents of the current owners had owned and lived on the subject property since the 1920s, the current owners have only owned the property since 1979.

A previous application was made on the subject property in 1984 by the current owners requesting permission to subdivide off a 0.4 ha parcel. The proposed lot would enable a second dwelling to be built to help operate the orchard; a separate lot was desired for the second dwelling to avoid any possible problems with a joint tenancy situation. The application was refused on the grounds that the property should be kept in its present size to preserve its agricultural potential. The Commission, however, did allow a 2nd dwelling and the designation of the homesite be leasehold by explanatory plan.

The City of Vernon is considering the proposed subdivision under Section 946 of the Local Government Act. Therefore, if the subdivision application is approved by the ALC, the application would then proceed through a City of Vernon subdivision application process subject to approval conditions as outlined in the attached 'Resolution of Council'.

PROPERTY INFORMATION

PID: 011-379-740
Legal Description: Lot 15 Section 32 Township 9 Osoyoos Division Yale District Plan 1689 Except Plan 18235
Property Area: 9.6 ha
ALR Area: 9.6 ha
Purchase Date: August 16, 1979
Location: 3021 Dunsmuir Road
Owners: Fusae Yasunaga, Mituru, Masaru & Jane Sakakibara

Total ALR Area:

LAND USE

Current Land Use:

There are currently two dwellings on the subject property. Historically the property grew apples, vegetables and hothouse tomatoes.

Surrounding Land Uses:

North: Hillside, non-ALR
East: Farmland, within ALR
South: Farmland, within ALR
West: Residential subdivision, non-ALR

PROPOSAL DETAILS

Subdivision - ALR Area: 9.6 ha

| Number of Lots | ALR Area of Lot (ha) |
|----------------|----------------------|
| 1 | 8.6 |
| 1 | 1.0 |

Agricultural Capability:

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

Source: CLI

Mapsheet: 82L.024

PREVIOUS APPLICATIONS

Application ID: 31479

Legacy #: 18100

Applicant: Masaru Sakakibara

Note: Proposal to subdivide off a 0.4 ha parcel from the subject property. The applicant states that as the orchard requires much work and that he also has to maintain an outside job, he would like to build a dwelling on the orchard property. The applicant states that he wishes to have a separate lot for this dwelling in case any problems arise in the joint tenancy situation.

The application was refused on the grounds that the property should be kept in its present size to preserve its agricultural potential. The Commission, however, did allow a 2nd dwelling and the designation of the homesite by leasehold by explanatory plan.

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: N/A
Designation: N/A
OCP Compliance: No

Zoning:

Zoning Bylaw Name: Bylaw No. 5000
Zoning Designation: Agriculture (A1)
Minimum Lot Size: 12.0 ha
Zoning Compliance: No

Comments and Recommendations:

Board/Council

That Council authorize the submission of the application for subdivision 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 as outlined.

Planning Staff

To authorize the submission of the application to the ALC. If the subdivision application is approved by the ALC, the application would then proceed through the City of Vernon subdivision application process under Section 946 of the Local Government Act.

ALC STAFF COMMENTS

Staff has the following comments:

- While the owners' parents have owned and farmed the subject property since ~ 1920s, the current owners acquired the property in 1979 and therefore do not meet the eligibility requirements of the HSP.
- As noted, the ALC considered a previous application by the current owners to subdivide off a 0.4 ha parcel from the subject property. The ALC refused this proposal on the grounds it believed that the property should be kept in its present size to preserve its agricultural potential.

ATTACHMENTS

52729VernonCouncil.pdf

52729AgentReport.pdf

52729_AirphotoMap10k_HR.pdf

52729_ContextMap20k.pdf

52729_AgCapabilityMap_HR.pdf

END OF REPORT

Prepared by: Ron Wallace, July 24, 2012