



## Agricultural Land Commission Staff Report

**DATE:** September 3, 2009  
**TO:** Vice Chair and Commissioners - Interior Panel  
**FROM:** Simone Rivers

**RE:** Application # 50321  
**PROPOSAL:** To subdivide the 3.4 ha portion lying NW of Eagle Creek Road from the 64 ha subject property.

### PROPOSAL INFORMATION

**Background:** The owner wishes to develop a new homesite on the remainder of the property  
**Received Date:** July 27, 2009  
**Applicant:** Roderick MacDonald and Anna Depaoli  
**Agent:** Michael Kidston Land Surveying Ltd.  
**Local Government:** Cariboo Regional District

### DESCRIPTION OF LAND

**PID:** 013-342-967  
**Legal Description:** The NorthWest 1/4 of District Lot 2932 Lillooet District  
**Civic Address:** 4254 Eagle Creek Road  
**Area:** 64 ha  
**ALR Area:** 64 ha  
**Purchase Date:** October 27, 2007  
**Owner:** Roderick MacDonald and Anna Depaoli

**Total Land Area:** 64 ha  
**Total ALR Area:** 64 ha  
**Current Land Use:** One residence and associated outbuildings. Portions are cleared and portions are forested.

### PROPOSAL DETAILS

**Subdivision**

<b>Area</b>	<b>Agricultural Capability</b>	<b>Agricultural Capability Source</b>
64.0	Mixed Prime and Secondary	CLI

<b>Number of Lots</b>	<b>Lot Size (ha)</b>
1	3.4
1	60.6

**Surrounding Land Uses:**

North	Residential/Hobby Farm
East	Agricultural & Residential
South	Wooded & Grazing Land
West	Agricultural & Residences

**Official Community Plan**

**Bylaw Name:**  
**Designation:**  
**OCP Compliance:**

**Zoning**

**Zoning Bylaw Name:** South Cariboo Area Zoning Bylaw No. 3501 (1999)  
**Zoning Designation:** Resource/Agricultural (RA 1)  
**Minimum Lot Size:** 32.0 ha  
**Zoning Compliance:** Yes

**PREVIOUS APPLICATIONS**

**Application #:** 23727  
**Applicant:** W & E Perron  
**Proposal:** To subdivide the 3.4 ha area lying north of the road from the 64 ha property leaving a 61.2 ha remainder.

**Decisions:**

<b>Resolution Number</b>	<b>Decision Date</b>	<b>Decision Description</b>
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**Note:** Legacy Application # 02181

1. Resolution # 5077/1976  
 Decision Date: November 15, 1976

Decision: Refused on the grounds that the property is part of a fairly extensive area with an agricultural capability rating of Class 3 and 4. Also the Commission was not willing to encourage residential intrusion into the Agricultural Land Reserve of this area.

2. Resolution # 10911/1979  
 Decision Date: April 3, 1979

Decision: To confirm its original decision to refuse the request as submitted. The

commission is prepared to consider a subdivision under the homesite severance guidelines, only if all the conditions are met by the applicants.

3. Resolution # 11274/1979  
Decision Date: May 24, 1979

The applicant requested a commitment from the Commission to approve subdivision of a 3.2 ha parcel once a purchaser is found and for permission to proceed now with the construction of a retirement home on the 3.2 ha.

Decision: That the Commission reconfirm its earlier decision that all the conditions of the homesite severance policy must be met before subdivision approval is granted and that a second dwelling is permitted only where necessary for farm use.

## RELEVANT APPLICATIONS

**Application #:** 23502

**Applicant:** P & M & G Harms

**Proposal:** To subdivide the 32 ha property into two 16 ha lots and a second, 64 ha, property into two 8 ha lots and three 16 ha lots.

**Decisions:**  
**Resolution  
Number**

**Decision Date**

**Decision Description**

**Note:** Legacy Application # 14461  
Resolution # 1240/1982  
Decision Date: June 24, 1982

Decision: Refused on the grounds that the property has potential to be used for agricultural purposes. The property lies within a large block of ALR which is used for grazing and hay production purposes and as such should be retained in large parcel sizes.

**Application #:** 23352

**Applicant:** L Cornies

**Proposal:** To subdivide the property into seven parcels of varying acreages for use as "hobby farms"

**Decisions:**  
**Resolution  
Number**

**Decision Date**

**Decision Description**

**Note:** Legacy Application # 06449  
Resolution # 9016/1978  
Decision Date: June 15, 1978

Decision: Refused on the grounds that the land is capable of agricultural use and that the proposed subdivision would adversely affect its potential for future agricultural use.

**Application #:** 8465

**Applicant:** Paul & Penny Davis  
**Proposal:** To subdivide the 64.8 ha property into 2 lots of 8.2 ha and a 56.6 ha remainder as divided by the Eagle Creek Road.

**Decisions:**

<b>Resolution Number</b>	<b>Decision Date</b>	<b>Decision Description</b>
530	November 17, 1997	Allowed subject to consolidation or binding of titles of the Rem. of the SE 1/4 DL 2937 with the SW 1/4 of DL 2932. If titles bound a no build covenant on one or the other of the parcels will also be required to prevent the development of both properties.

**Note:** Legacy Application # 31440

#### **Committee Recommendations**

<b>Type</b>	<b>Recommendation</b>	<b>Description</b>
Board/Council	Approve	Cariboo Regional District Board: The Regional Board forwarded the application with a recommendation of support.

### **STAFF COMMENTS**

The application states that the applicants wish to subdivide in order to "allow the owner to develop the Remainder (+- 60 ha) with a new house and outbuildings. The existing buildings are older and run-down; new development will be away from the road and overlooking improved forage land. enhancing security of livestock and equipment. Safety of both the owner and the public is improved by removing agricultural equipment from having to cross Eagle Creek Road."

A previous application allowed subdivision providing that the conditions of the homesite severance policy were met. This subdivision was never completed. The property has since changed hands.

### **ATTACHMENTS**

50321\_AgCapabilityMap.pdf  
50321\_AirphotoMap.pdf  
50321\_ContextMap20k.pdf  
50321local government report.pdf  
50321proposal sketch.pdf

### **END OF REPORT**

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**Signature**

\_\_\_\_\_  
**Date**