



Staff Report
Application # T – 37667
Applicant: Alfred Isaac
Location: Spallumcheen, north of Armstrong

DATE RECEIVED: September 10, 2007

DATE PREPARED: October 24, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To construct a second dwelling to accommodate hired help during the spring, summer and fall for the farm market property ("The Log Barn" retail market). The applicant's 16 ha property grows 4 ha in alfalfa, 2 ha of strawberries, 6 ha of corn, 1 ha in pumpkins/melons, the remainder is in yards, buildings and grass/pasture (see attached).

This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The Commission has considered several previous applications on the subject property. See below for details. Also the Commission has reviewed five previous applications in the Township of Spallumcheen for second dwellings. These are also noted.

Local Government:

The Corporation of the Township of Spallumcheen

Legal Description of Property:

PID: 001-633-252

Lot A, District Lot 90 and 91, Osoyoos Division of Yale District, Plan 5691

Purchase Date:

1990-04-01

Location of Property:

4782 Highway #97A, Spallumcheen

BACKGROUND INFORMATION (continued):

Size of Property:

16 ha (The entire property is in the ALR).

Present use of the Property:

Residence, fruit and vegetables are grown on the property.

Surrounding Land Uses:

WEST: Farm land, buildings, sheds and barns
SOUTH: Farm land, buildings, sheds and barns
EAST: Grasslands, buildings, and sheds
NORTH: Farm land, buildings, sheds, and barns

Agricultural Capability:

Data Source: Agricultural Capability Map # 82L/6
The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

Township of Spallumcheen, Bylaw No. 1570 (2004)
Designation: Agriculture

Zoning Bylaw and Designation:

Township of Spallumcheen, Bylaw No. 1449 (1999)
Designation: (A2)
Minimum Lot Size: 30.5 ha

PREVIOUS APPLICATIONS:

Application #28685-0

Applicant: Isaac, A. & I
Decision Date: March 15, 1994
Proposal: A second dwelling on the 16 ha property (1,500 hogs and 50-70 cattle are raised on this and nearby leased properties)
Decision: Allow second dwelling based on agricultural necessity

Application #36892-0

Applicant: Township of Spallumcheen
Decision Date: December 12, 2006
Proposal: The application is for fourteen (14) non-farm uses within the ALR In the Township of Spallumcheen.
Decision: The Commission allowed the existing non farm businesses subject to the registration of a covenant against the titles of each property specifying the existing non farm footprint and bylaw amendments reflecting the same. The Issacs were permitted 450 sq meters for agricultural processing and 191 sq meters for retail sales.

RELEVANT APPLICATIONS:

Application #37416-0

Applicant: Lamberton, Richard and Linda
Decision Date: July 20, 2007
Proposal: To retain the existing 74.3 m² single family dwelling and construct a new 292 m² single family residence and provide a secondary suite for a family member.
Decision: Refused on the grounds that the farming operation does not require an additional dwelling for farm help.

Application #37490-0

Applicant: Myers, Dale and Laurie
Decision Date: July 20, 2007
Proposal: To construct a second dwelling on the northeast corner of the 17 ha property for the applicants' parents.
Decision: Refused as proposed. However, the Commission would allow the construction of a second dwelling on the property subject to the following conditions:
(1) The location of the second dwelling on the southeast corner of the property (within 25 metres of the existing dwelling).
(2) The registration of a "no additional dwellings" covenant in the Commission's favour.
(3) The registration of a "no future subdivision" covenant, as required by the Township of Spallumcheen. The Commission must also be a transferee on the covenant.
(4) The submission of a \$5,000 letter of credit to ensure that the existing house is eventually decommissioned.

Application #37491-0

Applicant: Finlay, Albert and Rhodena
Decision Date: July 20, 2007
Proposal: To construct a second dwelling on the subject property for farm help.
Decision: Allow on the grounds that the Commission believed that due to the scale of the operation, it was appropriate that the farm have an additional dwelling for farm help.

Application #37524-0

Applicant: Ryan-Lewis, Gary and Rosine
Decision Date: September 20, 2007
Proposal: To construct a second dwelling for farm help.
Decision: Refuse on the grounds that the level of agricultural activity on the property does not warrant an additional dwelling for farm help.

Application #37572-0

Applicant: Findlay, Fred & Diane
Decision Date: September 20, 2007
Proposal: To construct a second dwelling on the property for the owner's son who is assisting with the operation and management of the cattle farm.
Decision: Allow on the grounds that the level of farm activity warrants an additional dwelling. The Commission noted that the applicant may qualify for a subdivision under the *Homesite Severance Policy*. As such, it wished to make the applicant aware of the *Policy*.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

No comments or recommendations

STAFF COMMENTS:

- No information is provided about the size of the new home. The current home is 111 sq meters.
- The new home shares access with the existing home and is located nearby (in the centre of the property), limiting its footprint and potential to use the second home as a reason to subdivide.
- The Commission allowed a second home for farm help in 1994 when the livestock portion of the farm operation was much larger (i.e. 1,500 hogs). No home was constructed, and it is now proposed in an alternate location from where it was originally permitted.
- The applicant indicates that his retail operation is 83 sq meters (900 sq ft) and that the hog barn is used for housing animals and temporary storage of farm products. The most recent information available to the Commission is that the Township was proposing to re-zone the property to permit 451 sq meters for agricultural processing and 191 sq meters for farm retail sales.

ATTACHMENTS:

- ALR Airphoto
- Applicant's sketch plan
- Applicant's description of current use of land

END OF REPORT

Signature



Date

Oct 29, 07