



Staff Report
Reconsideration of Application # H – 38011
Applicant: Jacob and Lorraine Bosshardt
Agent: Dianne Grinde

DATE RECEIVED: May 29, 2008

DATE PREPARED: June 11, 2008

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

Original Proposal: To subdivide a 2.1 ha lot from the 61 ha property with a 20 meter wide panhandle access to Highway #97. The Commission allowed the subdivision of a 1 ha lot with a 10 meter wide panhandle as per Resolution #223/2008.

Revised Proposal: To subdivide a 2.1 ha lot from the 61 ha property with a 20 meter wide panhandle to access Highway #97. The applicant has provided information not available when the Commission first considered the application indicating that the 1 ha area is not suitable for subdivision.

The reconsideration is made pursuant to section 33 of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The applicant provided information not originally provided about Ministry of Transportation requirements and septic and well.

Local Government:

Columbia Shuswap Regional District

Legal Description of Property:

1. PID: 011-787-511
Lot 2, Section 28, 29 and 32, Township 19, Range 9, W6M, KDYD, Plan 40014
2. PID: 004-561-643
Lot 2, Section 33, Township 19, Range 9, W6M, KDYD, Plan 28380

Purchase Date:

Lot 2, Plan 40014: January 1965

Lot 2, Plan 28380: Dec. 2004

Location of Property:

Highway #97 between Salmon Arm and Enderby

Size of Property:

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

Present use of the Property:

One single family dwelling, one mobile home, chicken house, 2 hay sheds, shed for tractor and approximately 45 to 50 head of cattle.

Surrounding Land Uses:

WEST: Golf Course in the ALR
SOUTH: Agriculture and Crown Land in the ALR
EAST: Hobby farms, some home based business
NORTH: Industrial and rural residential properties in the ALR

Agricultural Capability:

Data Source: Agricultural Capability Map # 82L/11
The majority of the property is identified as having prime dominant ratings.

Bylaw Designation:

Ranchero/Deep Creek Land Use Bylaw No. 2100: R Rural - minimum lot size: 60 ha

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The Regional District forwarded the application with a recommendation of support.

STAFF COMMENTS:

Staff suggest that the Commission consider the following:

- The applicant indicates that portions of the property are swampy and are not suitable for either a building site or septic field. The one ha area approved for subdivision by Resolution # 223/2008 does not have sufficient area for both a well and septic field
- The Ministry of Transportation wants to ensure the panhandle width is sufficient should a roadway be required to lands beyond. Recent decisions of the Commission are cited in support of this potential. In addition the applicant may have to use the neighbour's driveway in the event of a 10 meter wide panhandle .
- The subdivision of 2 ha or a 20 meter wide right of way would not have substantive effects on agricultural capability of either of the subject properties.

ATTACHMENTS:

- June 2 and June 4 e-mails from Diane Grinde and supporting documents
- June 4 e-mail from Tom Chernenkoff
- Previous minutes (Res. #223/2008), maps and airphotos

END OF REPORT

Signature

Date