



## Agricultural Land Commission Staff Report

**DATE:** August 14, 2009  
**TO:** Vice Chair and Commissioners - Okanagan Panel  
**FROM:** Brandy Ridout

**RE:** Application # 46014

**PROPOSAL:** To undertake a lot line adjustment between a 0.3 ha lot and a 25.8 ha lot to create a 0.6 ha lot and a 25.5 ha lot to allow for the construction of a new residence and septic system on the proposed 0.6 ha lot. The old house will be removed.

### PROPOSAL INFORMATION

**Background:** Legacy application #T-39031. Since the application was submitted, Charles Shute, one of the original applicants has passed away. His estate is taking over the application.  
**Received Date:** May 25, 2009  
**Applicant:** Leslie Evans  
**Agent:** Richard Shoesmith, BCLS  
**Local Government:** Regional District of North Okanagan

### DESCRIPTION OF LAND

**PID:** 013-714-295  
**Legal Description:** That Part of the West 1/2 of, Section 24, Township 18, Range 8, West of the 6th, Kamloops Division of Yale District which Lies to the North of the Spallumcheen River, EXCEPT 1) Plan B1594 2) Parcel A (DD 155617F and Plan B7092)  
**Civic Address:** 1148 Enderby-Mabel Lake Road, Spallumcheen  
**Area:** 25.8 ha  
**ALR Area:** 25.8 ha  
**Purchase Date:** June 9, 1972  
**Owner:** Charles Shute

**PID:** 013-772-457  
**Legal Description:** Parcel A (DD 155617F and Plan B7092) of the North West 1/4 Section 24, Township 18, Range 8, West of the 6th, Kamloops Division of Yale District  
**Civic Address:** 1156 Enderby-Mabel Lake Road, Spallumcheen  
**Area:** .3 ha  
**ALR Area:** .3 ha  
**Purchase Date:** July 25, 2003  
**Owner:** Leslie Evans

**Total Land Area:** 26.1 ha  
**Total ALR Area:** 26.1 ha  
**Current Land Use:** Parcel A - residential  
 West 1/2 of Section 24 - partially grazed, partially hayes, farm residential  
 (the land was used as a dairy farm until about 1956).

## PROPOSAL DETAILS

### Subdivision

Area	Agricultural Capability	Agricultural Capability Source
26.1	Mixed Prime and Secondary	CLI

Number of Lots	Lot Size (ha)
1	0.6
1	25.5

### Surrounding Land Uses:

North	Hay, residential
East	Hay, residential
South	Shuswap River, beyond river hay, residential
West	Hay, residential

### Official Community Plan

**Bylaw Name:** RDNO Electoral Area 'R' Bylaw No. 1934, 2004  
**Designation:** Agricultural/Major Road/Development Permit Area  
**OCP Compliance:** Yes

### Zoning

**Zoning Bylaw Name:** RDNO Zoning Bylaw No. 1888, 2003  
**Zoning Designation:** Large Holding (LH)/Country Residential (CR)  
**Minimum Lot Size:** 30.5 ha  
**Zoning Compliance:** Yes

## Committee Recommendations

Type	Recommendation	Description
Planning Staff	Refuse	The portion of the larger property proposed to be included with the smaller property does not appear to be largely impacted by agricultural use and production. As such, the proposal would appear to only minimally remove land from agricultural production and would not likely have an overall negative impact on farming. However, as the OCP supports maintaining agricultural lands in large parcels, Development Services staff recommend the application not be authorized for submission.
Board/Council	No Comment	Application is authorized for submission to the ALC.
Advisory Planning Committee	Approve	The Electoral Area 'F' Advisory Planning Commission recommends approval and if the application is approved, the existing residence be removed and destroyed.

## STAFF COMMENTS

- It is indicated that there have been problems with seepage in the basement of the existing house on the 0.3 ha lot as it is in a low lying area. The applicant would like to build a new house on higher ground and install a tile field. This requires more land to be added to the 0.3 ha lot.
- The 0.3 ha lot was created in 1949 to build a home for Mr. Evans' grandmother. Mr. Evans' parents assumed ownership of the property in 1975 and the applicant assumed ownership in 2005.
- The 0.3 ha area being proposed to be added to the 0.3 ha lot is small and close to the house and farm buildings on the the farm lot, therefore will have little impact on the agricultural use of the larger farm parcel.
- The Commission could consider requiring the new residential lot to be fenced.

## ATTACHMENTS

39031 ALR maps.pdf  
39031 proposal.pdf  
39031 air photo.pdf

## END OF REPORT

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Signature

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Date