



## Agricultural Land Commission Staff Report

**DATE:** August 17, 2009  
**TO:** Vice Chair and Commissioners - Okanagan Panel  
**FROM:** Brandy Ridout  
  
**RE:** Application # 50228  
**PROPOSAL:** To include the 2.6 ha portion of the 15.8 ha subject property into the ALR required by Resolution #86/2009.

### PROPOSAL INFORMATION

**Background:** See previous application #T-38682 (App ID: 45612)  
**Received Date:** July 13, 2009  
**Applicant:** Gerry Sr. & Gerry Jr. & Sandra Popoff  
**Agent:** N/A  
**Local Government:** Township of Spallumcheen

### DESCRIPTION OF LAND

**PID:** 005-363-691  
**Legal Description:** Lot 1, Section 22, Township 35, Kamloops(Formerly Osoyoos) Division of Yale District, Plan 2103  
**Civic Address:** 4975 Highway 97A  
**Area:** 15.8 ha  
**ALR Area:** 7.4 ha  
**Purchase Date:** September 14, 2003  
**Owner:**

**Total Land Area:** 15.8 ha  
**Total ALR Area:** 7.4 ha  
**Current Land Use:** Residence, outbuildings (towing company and auto parts), pasture

### PROPOSAL DETAILS

Inclusion Area	Agricultural Capability	Agricultural Capability Source
2.6	Mixed Prime and Secondary	CLI

**Surrounding Land Uses:**

North First nations reserve  
East Cultivated farmland in the ALR  
South 16 ha lot partially within the ALR  
West 64 ha parcel partially within the ALR

**Official Community Plan**

**Bylaw Name:** Township of Spallumcheen Bylaw No. 1570 (2004)

**Designation:** Agricultural

**OCP Compliance:** No

**Zoning**

**Zoning Bylaw Name:** Township of Spallumcheen Bylaw No. 1700 (2008)

**Zoning Designation:** Agricultural Zone (A.2)

**Minimum Lot Size:** 30.5 ha

**Zoning Compliance:** No

**PREVIOUS APPLICATIONS**

**Application #:** 45612

**Applicant:** Gerald and Sandra Popoff

**Proposal:** To subdivide the 15.8 ha property into two lots of equal size; one for Mr. & Mrs. Popoff and the other for their son Gerald Jr.

**Decisions:**

**Resolution  
Number**

**Decision Date**

**Decision Description**

86

March 26, 2009

The Commission refused the application as proposed, but did allow a two lot subdivision subject to the inclusion of approximately 2 ha into the ALR (up to the hydro right of way).

**Committee Recommendations**

**Type**

**Recommendation**

**Description**

Planning Staff

No Comment

Recommend the application be authorized for submission. Development Services concurs with the ALC comments made under application #T-38682 that the inclusion of the approximate 3 ha portion of land between the BC Hydro right-of-way and the ALR boundary to the east of the ROW would represent a net benefit to agriculture and would help maintain the arable area as a single farm unit.

Board/Council

No Comment

Application authorized for submission.

**STAFF COMMENTS**

Under Resolution #86/2009, the Commission allowed the subdivision of the subject property in half, subject to the inclusion of the 2.6 ha area currently being proposed for inclusion (using the BC Hydro ROW as the western boundary of the inclusion area as it is the base of the slope).

## **ATTACHMENTS**

50228 - AirPhotoMap5k.pdf  
38682d1.pdf

## **END OF REPORT**

**Signature**

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**Date**

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