



Agricultural Land Commission Staff Report

DATE: November 17, 2009
TO: Vice Chair and Commissioners - Okanagan Panel
FROM: Brandy Ridout

RE: Application # 50424
PROPOSAL: To subdivide the 14.6 ha subject property into two 7.3 ha lots. Approximately 4.9 ha is in the ALR - proposed Lot A would contain 2.7 ha and proposed Lot B would contain 2.2 ha. The proposal has two objectives: to separate the existing home and outbuildings into the eastern lot and to keep the resulting lots the same size.

PROPOSAL INFORMATION

Background: The subject property was created in 1994 when a 5 ha lot was subdivided off.
Received Date: August 21, 2009
Applicant: Steve & Vivian Shaver
Agent: R.G.(Bob) Holtby
Local Government: Township of Spallumcheen

DESCRIPTION OF LAND

PID: 023-931-094
Legal Description: Lot 1 District Lot 821 Township 17 Range 9 West of the 6th Meridian
Kamloops Division Yale District Plan KAP60336
Civic Address: 1647 Reservoir Road, Spallumcheen
Area: 14.6 ha
ALR Area: 4.9 ha
Purchase Date: December 25, 1989
Owner: Steve & Vivian Shaver

Total Land Area: 14.6 ha
Total ALR Area: 4.9 ha
Current Land Use: Residential property and accessory buildings

PROPOSAL DETAILS

Subdivision

Area	Agricultural Capability	Agricultural Capability Source
4.9	Prime Dominant	CLI

Number of Lots	Lot Size (ha)
1	2.2
1	2.7

Surrounding Land Uses:

North	Farm land
East	Non-ALR, rural residence
South	Non-ALR, undeveloped forested land
West	Rural residence, farm land

Official Community Plan

Bylaw Name: Spallumcheen OCP Bylaw No. 1570 (2004)
Designation: Large Holding (LH)
OCP Compliance: Yes

Zoning

Zoning Bylaw Name: Spallumcheen Zoning Bylaw No. 1700 (2008)
Zoning Designation: Large Holding (LH)
Minimum Lot Size: 30.5 ha
Zoning Compliance: Yes

PREVIOUS APPLICATIONS

Application #: 2228

Applicant: Steve & Vivian Shaver

Proposal: To subdivide a 2 ha lot from the 19.6 ha subject property.

Decisions:

Resolution Number	Decision Date	Decision Description
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Note: Allowed by Resolution #699/1994. The Commission allowed either the subdivision of a 2 ha lot (as proposed) or a 5 ha lot (as proposed by the Township of Spallumcheen).

This subdivision application created the subject property (Legacy application #T-28989).

Committee Recommendations

Type	Recommendation	Description
Planning Staff	Refuse	Development Services: Recommend that the application not be authorized for submission as it does not comply with the Agricultural and Rural Land Policies on the OCP. It is suggested that approval of this application would further limit the agricultural capabilities of the property as the potential would exist to build a permanent residence and accessory buildings on the flatter portion of the property, which is rated as being capable of producing a wide range of crops. Approval could lead property owners to believe that agricultural parcels can be subdivided into non-agricultural parcels. Should Council wish to approve the proposed subdivision, it is recommended that as a condition of approval, no residential buildings be allowed to be constructed on the portion of the property rated as being capable of producing crops.
Board/Council	Approve	Township of Spallumcheen Council: Authorized for submission.

STAFF COMMENTS

- Spallumcheen referred the application to the Ministry of Agriculture and Lands. In the reply, it was noted that the proposal would split the portion of the ALR land into two parcels and would further compromise the opportunity for agricultural production. From an agricultural perspective, it would be preferable that any subdivision be along the ALR boundary so that the new building sites would be on non-ALR land. The consultant's assessment of agricultural suitability indicates the ALR boundary is not properly located. If the consultant's assessment is acceptable, then the boundary as proposed would make sense with the exception that building on the ALR portion of the proposed new parcel should not be allowed.
- Subdivision along the ALR boundary would not require application to the Commission. However, it is likely that this would create a non-ALR remainder with no building site and access would require ALC approval.
- The applicants have already subdivided off and sold a 5 ha lot from their original property.
- The proposal would create another lot in this area and allow a new dwelling to be built on the lowland Class 2 and 3 portion of the property.

ATTACHMENTS

50424_ContextMap20k.pdf
ag cap.pdf
proposal.pdf
air photo proposal.pdf
topo.pdf
excerpt from agent's report.pdf
50424_AirphotoMap.pdf

END OF REPORT

Signature

Date