



## Agricultural Land Commission Staff Report

**DATE:** February 8, 2010  
**TO:** Vice Chair and Commissioners - Okanagan Panel  
**FROM:** Martin Collins, Regional Planner

**RE:** Application # 51213  
**PROPOSAL:** To use 195 sq meters of the 51.3 ha property for a private cemetery. The small cemetery area lies in the northern extremity of the property on the edge of an 8 ha hayfield.

### PROPOSAL INFORMATION

**Background:** This is to accommodate a dying friend's wish to be buried on applicant's property. The 195 sq meter area will be landscaped and a low fence constructed to clearly define the borders. The landowners also want to be buried on the property. The plot would serve as a place of internment for a limited number of individuals.  
**Received Date:**  
**Applicant:**  
**Agent:**  
**Local Government:** December 22, 2009  
Lalitha  
James Capellini  
Regional District of North Okanagan

### DESCRIPTION OF LAND

**PID:** 011-527-803  
**Legal Description:** District Lot 2746, Osoyoos Division of Yale District, EXCEPT Plan 33565 and KAP78563  
**Civic Address:** 1875 Trinity Valley Road  
**Area:** 51.3 ha  
**ALR Area:** 51.3 ha  
**Purchase Date:** October 23, 2008  
**Owners:** Lalitha  
James Capellini  
Jason Tomczyk

**Total Land Area:** 51.3 ha  
**Total ALR Area:** 51.3 ha  
**Current Land Use:** Residence, barn, cowshed, hay field (8 ha), forested areas

### PROPOSAL DETAILS

## Non Farm Use

Area	Agricultural Capability	Agricultural Capability Source
0.1	Secondary	CLI

## Surrounding Land Uses:

North	Crown Land
East	Woodlot - Crown Land
South	Woodlot ; Private property; field
West	6 ha rural residential parcel. Home with pasture, hayfield

## Official Community Plan

<b>Bylaw Name:</b>	Bylaw #1690, 2001
<b>Designation:</b>	Large Holdings
<b>OCP Compliance:</b>	No

## Zoning

<b>Zoning Bylaw Name:</b>	Bylaw 1888
<b>Zoning Designation:</b>	Large Holdings Zone
<b>Minimum Lot Size:</b>	30.5 ha
<b>Zoning Compliance:</b>	No

## PREVIOUS APPLICATIONS

<b>Application #:</b>	21453
<b>Applicant:</b>	Marlene Wust
<b>Proposal:</b>	To subdivide a 6 ha lot from the 58 ha property as divided by the Trinity Valley Rd. Only 12 ha is in the ALR.

## Decisions:

Resolution Number	Decision Date	Decision Description
255	June 19, 2003	Application for subdivision approved under the condition that the land used for the hayfield in the Northeast corner of the property be included within the ALR. This would provide a net benefit for agriculture.

## Committee Recommendations

Type	Recommendation	Description
Board/Council	No Comment	The Regional District of North Okanagan forwarded the application for the Commission's review without comment.

## STAFF COMMENTS

Staff suggests that the Commission consider the following:

- 1) Cemetery uses are compatible with agricultural uses, as there is little or no conflict. However, the

cemetery use allows access to the site by the public. Therefore it is possible (but unlikely) that public access could disrupt the farm operation. Though it is anticipated that very few people will use the burial site, and as such the necessity of access will be very infrequent.

2) The area proposed for the cemetery is minimal, and will not affect the agricultural utility of the property.

3) The cemetery use is private and will not require public access, further reducing the impact of the use on the remainder of the property.

4) If permitted the Regional District intends to amend the zoning bylaw to permit cemetery uses in the Large Holdings Zone.

## **ATTACHMENTS**

51213 sketch plan.pdf

51213\_ContextMap20k.pdf

51213\_AirphotoMap10k.pdf

## **END OF REPORT**

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**Signature**

\_\_\_\_\_  
**Date**