



Provincial Agricultural Land Commission - Staff Report Application: 52056

Applicant: Kenneth and Shirley Topham
Local Government: Township of Spallumcheen

Proposal: To subdivide the 2.6 ha lot into two lots of roughly equal size

BACKGROUND INFORMATION

The applicants indicate that they are having difficulty in achieving "farm" assessment status through leasing for hay production. In addition there are similar small parcels in the surrounding area, and access and services

PROPERTY INFORMATION

PID: 011-153-865
Legal Description: Lot 3, Section 31, Township 4, Osoyoos Division of Yale District, Plan 620
Property Area: 2.6 ha
ALR Area: 2.6 ha
Purchase Date: May 30, 1988
Location: 2012 Pleasant Valley Road
Owner: Kenneth and Shirley Topham

LAND USE

Current Land Use:
Residence, home based business (light industrial), barn, shop, woodshed, gardened

Surrounding Land Uses:
North: Two ~2 ha rural residential ALR lots
East: Four rural residential parcels in the ALR
South: One 1 ha rural residential parcel and a large ~12 ha farm parcel
West: Mix of small rural residential and larger agricultural parcels in the ALR

PROPOSAL DETAILS

Subdivision - ALR Area: 2.6 ha

Number of Lots	ALR Area of Lot (ha)
2	1.3

Agricultural Capability:
The majority of the area under application is rated as: Prime
Source: BCLI
Mapsheet: 82 L.044 and L.0

PREVIOUS APPLICATIONS

PREVIOUS APPLICATIONS

Application ID: 42429

Legacy #: 36288

Applicant: Spallumcheen

Proposal: The application is for sixteen (16) non farm uses within the ALR in Spallumcheen.

Decision:

Resolution #	Decision Date	Decision Description
655/2005	December 8, 2005	The Commission allowed nine of the ten proposed non farm uses on the grounds they had little, if any, impact on the agricultural utility of the parcels. The Commission refused Armstrong Towing's proposal to use the existing buildings for automobile storage because of concerns about the potential for more intensive use of the property for auto storage, repair and recycling.

Note: CM Manufacturing is a custom welding business that fabricates horse trailers and other farm equipment. It occupies 302.5 sq meters of structures and 383 sq meters of outside storage.

RELEVANT APPLICATIONS

Application ID: 41116

Legacy #: 35316

Applicant: Ed Samay

Proposal: To subdivide five lots comprising a farm, into six lots. The current lots are 8 ha, 6 ha, 6.2 ha, 4 ha, 15 ha. The proposal includes the creation of two 1.1 ha lots facing Pleasant Valley Road, one 2 ha lot (homesite lot) and the consolidation of Lots 1 and 2, Plan 536 and Lots 1 and 2, Plan 834. The applicant qualifies for consideration under Homesite Severance Policy, having purchased the properties between 1950 and 1987.

This application also proposes the widening of the unobstructed Harding Road right-of-way from 10 to 20 metres and the utilization of the northern portion of the road right-of-way as a non-motorized trail.

The application is also to expand the existing 10 meter wide unobstructed road right of way (Harding Rd.) running through the properties to 20 meters, and to use an 8 meter portion for a public trail. The right of way is presently used informally for a trail.

Decision:

Resolution #	Decision Date	Decision Description
143/2004	April 8, 2004	<p>The Commission allowed the subdivision of two 1 ha lots from Lot 3, subject to the consolidation of Llots 1 and 2, Plan 536. One of the subject lots is a subdivision in lieu of Homesite Severance. No further consideration will be provided under Homesite Severance Policy.</p> <p>The Commission also allowed the expansion of the Harding Road right of way to 20 meters, subject to; the construction of the trail to 4 meters in width; the fencing of both sides of the trail with dog proof fencing (page wire) and gates fo farm access; the lease of 16 meters of Harding Road right of way to the Samay's for a mutually acceptable lease period for \$1/year; signage at both ends of the trail warning users they are passing through a working agricultural landscape.</p>

Note: This property is the adjoining parcel lying to the south of the application property.

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: Twp of Spallumcheen OCP Bylaw 1570/2004

Designation: Agricultural

OCP Compliance: No

LOCAL GOVERNMENT INFORMATION

Zoning:

Zoning Bylaw Name: Bylaw 1700/2008
Zoning Designation: Agriculture 2
Minimum Lot Size: 30.5 ha
Zoning Compliance: No

Comments and Recommendations:

Board/Council

Township of Spallumcheen Council forwarded the application with a recommendation of support.

Planning Staff

Planning staff recommended that the application not be supported because the subdivision would limit farming options, and result in other similar subdivision applications.

ALC STAFF COMMENTS

Staff suggests that the Commission consider the following:

- 1) The BCLI soil capability rating for the property is 4A (2D), which means that the land has good agricultural capability if irrigated. The land is currently in a hay crop.
- 2) The subject parcel and the adjoining two application parcels occupy a small enclave of 10 rural residential parcels east of Pleasant Valley Road.
- 3) There are many ~2 ha parcels in Spallumcheen. Should these lots be permitted subdivision it is conceivable that expectations of landowners may be raised and many similar requests for subdivision will be received.
- 4) A petition from adjoining and nearby landowners indicates support for the application(s).
- 5) These parcels have some potential for small scale agriculture. However, if subdivided this potential will effectively be eliminated.

ATTACHMENTS

52056_ContextMap20k.pdf
52056_AirphotoMap5k.pdf
52056, 52055, 52054 applicant's rationale.pdf
52056, 52055, 52054 sketch plan.pdf

END OF REPORT

Prepared by: Martin Collins, January 17th, 2011