



# Provincial Agricultural Land Commission - Staff Report

## Application: 52334

**Applicant:** Mathew Litt  
**Agent:** Jason Shortt  
**Local Government:** Township of Spallumcheen

**Proposal:** To subdivide a 1.8 ha portion of the 5.45 ha property for the purpose of creating a parcel for a relative under Section 946 of the Local Government Act. There are two dwellings on the property. The proposed new 1.8 ha lot would have frontage along Canyon Road and Wolfgang Road and would contain an existing dwelling and the driveway that currently services the dwelling. The remainder lot would have frontage on Wolfgang Road and would contain the other house and outbuildings.

### BACKGROUND INFORMATION

In 1979, the ALC refused an application to subdivide a 0.85 ha portion of the subject property. In 2003, the township refused an application to the ALC to subdivide a 1.7 ha portion of the property.

### PROPERTY INFORMATION

**PID:** 002-024-551  
**Legal Description:** Lot 3, Section 31 & 32, Township 35, K (Formerly O) Division of Yale District, Plan 1976 Except Plan KAP74456  
**Property Area:** 5.1 ha  
**ALR Area:** 5.1 ha  
**Purchase Date:** June 3, 1994  
**Location:** 3796 Canyon Road  
**Owner:**

### LAND USE

**Current Land Use:**

The subject property is located at the northeast corner of the canyon Road and Wolfgang Road intersection. The property contains a house and several accessory buildings on the north side of the property and a second house on the south side of the property.

**Surrounding Land Uses:**

North: Forest, outside of the ALR  
 East: Pasture land  
 South: Goat farm  
 West: Corn farm

### PROPOSAL DETAILS

**Subdivision - ALR Area:** 5.1 ha

Number of Lots	ALR Area of Lot (ha)
1	1.8
1	3.3

**Agricultural Capability:**

The majority of the area under application is rated as: Secondary

**Source:** BCL

**Mapsheet:** 82L/11

## PREVIOUS APPLICATIONS

**Application ID:** 30174

**Legacy #:** 09883

**Applicant:** D Deegan / Hollier C

**Note:** For property described as Block 3, Plan 1916, Section 31 and 32, Township 35, ODYD with the application requesting permission to subdivide a 0.85 ha parcel from the subject property. The application was refused on the grounds that the Commission does not wish to allow the subdivision of a parcel for residential use in such close proximity to an extensive agricultural area.

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## LOCAL GOVERNMENT INFORMATION

### Official Community Plan:

**Bylaw Name:** Bylaw No. 1570, 2004  
**Designation:** Township of Spallumcheen OCP  
**OCP Compliance:** No

### Zoning:

**Zoning Bylaw Name:** Bylaw No. 1700, 2008  
**Zoning Designation:** Agricultural (A.2)  
**Minimum Lot Size:** 30.5 ha  
**Zoning Compliance:** No

### Comments and Recommendations:

#### **Board/Council**

That the application for a one lot pluse remainder under Section 21(2) of the ALC Act be authorized for submission to the ALC.

#### **Ministry of Agriculture and Lands**

The Ministry of Agriculture advises that they do not support subdividing parcels of land within the ALR as proposed by this application.

#### **Planning Staff**

Development Services recommends that this application not be supported as it does not comply with the Agricultural and Rural Policies of the OCP. Overall, the size and soil characteristics of the property allow it to be used for agricultural purposes. Approval of the application would limit the farming options available to the subject property.

## ALC STAFF COMMENTS

Staff has the following comments:

- The agricultural capability rating of the subject property is Class 4TA with improved rating of Class 4. Class 4 land is capable of a restricted range of crops. the subclasses associated with the lands are identified as topography and soil moisture deficiency.
- There are two dwellings on the property and the proposed subdivision would locate each dwelling on a separate lot.
- The applicant has requested an onsite before making a decision in order to see that the property is not good farmland.

## ATTACHMENTS

52334letter.pdf  
52334\_ContextMap20k.pdf  
52334\_AgCapabilityMap.pdf  
52334\_AirphotoMap10k.pdf

## END OF REPORT

**Prepared by:** Ron Wallace, Land Use Planner