



# Provincial Agricultural Land Commission - Staff Report

## Application: 52584

**Applicant:** Fred & Diane Findlay  
**Local Government:** Township of Spallumcheen

**Proposal:** The applicant is seeking ALC approval to undertake a homeiste severance that will result in the creation of a 1.21 ha vacant parcel while leaving a remainder parcel of ~44.3 ha. The applicant has provided two 1.21 ha homesite severance locations for consideration.

### BACKGROUND INFORMATION

In order to qualify for a homesite severance, an individual must have owned the property prior to December 21, 1972. In this instance, the applicant has provided documentation that established that the property was acquired by the current owner on October 10, 1972.

The owners of the property were authorized by the ALC to construct a second residence on the property on September 20, 2007. During the deliberation on the second residence request, the ALC indicated that homesite severance would be a more acceptable alternative to building a second dwelling. The ALC indicated that the subdivision of a 0.2 ha parcel in a location along Otter Lake Road may have a less negative impact on the farming operation. The owners have not proceeded with the construction of the second residence. The time limit to complete the construction of the second residence has expired.

### PROPERTY INFORMATION

**PID:** 011-772-336  
**Legal Description:** District Lot 98 Kamloops (Formerly Osoyoos) Division Yale District Except Plans 213B, B5036, 24097 and KAP73712  
**Property Area:** 44.5 ha  
**ALR Area:** 44.5 ha  
**Purchase Date:** July 21, 2003  
**Location:** 1493 Otter Lake Road, Armstrong  
**Owner:** Fred & Diane Findlay

**Total ALR Area:**

### LAND USE

#### Current Land Use:

Residence, two large hay barns, small calving barn, several cattle shelters, three portable calf shelters, irrigation pump house.

#### Surrounding Land Uses:

North: Farm properties in the ALR  
East: Farm properties in the ALR  
South: Otter Lake  
West: Smaller, upland rural residential properties in the ALR

## PROPOSAL DETAILS

Subdivision - ALR Area: 44.5 ha

Number of Lots	ALR Area of Lot (ha)
1	43.3
1	1.2

### Agricultural Capability:

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

Source: BCLI

Mapsheet: 82L.044

## PREVIOUS APPLICATIONS

Application ID: 44257

Legacy #: 37572

Applicant: Fred & Diane Findlay

Proposal: Non-farm use for a Relative: To construct a second dwelling on the property for the owner's son who is assisting with the operation and management of the farm.

### Decision:

Resolution #	Decision Date	Decision Description
473/2007	September 20, 2007	Allow on the grounds that the level of farm activity warrants an additional dwelling. The Commission noted that the applicant may qualify for a subdivision under the Homesite Severance Policy. As such, it wished to make the applicant aware of the Policy.

## LOCAL GOVERNMENT INFORMATION

### Official Community Plan:

Bylaw Name: Township of Spallumcheen OCP Bylaw No. 1794 (2011)

Designation: Agriculture

OCP Compliance: Yes

### Zoning:

Zoning Bylaw Name: Township of Spallumcheen Zoning Bylaw No. 1700

Zoning Designation: Agricultural (A2)

Minimum Lot Size: 30.5 ha

Zoning Compliance: Yes

### Comments and Recommendations:

#### Agricultural Advisory Committee

Individual members of the AAC provided some comments:

- "The preferred site (adjacent to Otter Lake Road) would be the way to go as the severance would be totally separate from the remaining property."

- "Regarding the application...I object to this in principle...it reduces marginally the use of the farm land"

- "If the subdivision is allowed, there is nothing stopping the new farm owners from wanting to build a second residence on the remaining farm property in order to provide housing for farm help."

#### Board/Council

The Spallumcheen Council recommend to the ALC that the proposal to create a two (2) ha homesite parcel adjacent to Otter Lake Road or a one point two (1.2) ha homesite parcel adjacent to Hales Road be supported.

#### Ministry of Agriculture and Lands

The Ministry of Agriculture advises that they have no objections to the homesite severance.

#### Planning Staff

This is an application for a homesite severance subdivision in the ALR of the property located at 1493 Otter Lake Road.

It is recommended that the southwest homesite severance option, with access to Otter Lake Road, be supported and that the application be authorized for subdivision to the ALC as the proposed subdivision complies with the Agricultural Policies of the OCP.

## **ALC STAFF COMMENTS**

Staff has the following comments:

- The applicants are eligible for consideration of a homesite lot under the conditions of the ALC Homesite Severance Policy.
- The applicant is seeking approval of the ALC to undertake a homesite severance that will result in the creation of a 1.21 ha parcel. The applicant has provided two options for the location of the homesite parcel, one in the southeast corner and one in the southwest corner of the property.
- In an application made by the same owners in 2007, the ALC authorized the construction of a second residence on the property, but indicated that a homesite severance would be a more acceptable alternative to building a second dwelling. The ALC indicated that the subdivision of a 0.2 ha parcel in a location along Otter Lake Road (southwest corner) may have less impact on the farming operation.

## **ATTACHMENTS**

52584plqn.pdf

52584\_ContextMap20k.pdf

52584\_AgCapabilityMap.pdf

52584\_AirphotoMap20k.pdf

## **END OF REPORT**

**Prepared by:** Ron Wallace, March 13, 2012