



**Staff Report**  
**Application # V – 37770**  
**Applicant: Don and Marilyne Cristante**  
**Location: Highway #97 Summerland**

**DATE RECEIVED:** October 26, 2007

**DATE PREPARED:** November 21, 2007

**TO:** Chair and Commissioners – Okanagan Panel

**FROM:** Brandy Ridout, Land Use Planner

**PROPOSAL:** To subdivide the 9.3 ha subject property into two (2) lots; 6.9 ha lying wholly in the ALR, and a 2.4 ha homesite lot lying primarily outside the ALR.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

No previous applications have been considered on the subject property.

**Local Government:**

The Corporation of the District of Summerland

**Legal Description of Property:**

PID: 012-406-368  
Lot 5, District Lot 2194, Osoyoos Division of Yale District, Plan 267, EXCEPT Plans B3577, 10386, 41387 and H577

**Purchase Date:**

1956-07-01

**Location of Property:**

20001 Matsu Drive, Summerland

**Size of Property:**

9.3 ha (approximately 7 ha lies in the ALR).

**Present use of the Property:**

Orchard, Residence, Out Buildings

**Surrounding Land Uses:**

**WEST:** Highway #97 and non ALR mountainside  
**SOUTH:** Farmland in the ALR  
**EAST:** Farmland in the ALR  
**NORTH:** Rural Residential outside the ALR /Farm within the ALR

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82E.062  
The majority of the property is identified as having prime dominant ratings.

**Official Community Plan and Designation:**

OCP: Bylaw No. 96 (2001) Designation: F-Farmland

**Zoning Bylaw and Designation:**

Zoning: Bylaw No. 99 (2001) Designation: A1 – Agriculture Minimum Lot Size: 2.0 ha

**PREVIOUS APPLICATIONS:**

**Application #75-1107-0**

**Applicant:** Christante, Don  
**Decision Date:** November 19, 1975  
**Proposal:** To subdivide the 8 ha property into two lots  
**Decision:** Refuse as proposed, because of reduced agricultural capability

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**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

Council for the District of Summerland forwarded the application with a recommendation of support

Agricultural Advisory Committee supported the application

Local Government Staff do not support the application believing the subdivision of the ALR portion of the property containing the farm structures necessitated their replacement on the ALR remainder. In addition staff believed that the proposed subdivision represented an intrusion into the farm unit. The topography of the site is more suited to retaining the 0.4 ha ALR area with the farm unit.

**STAFF COMMENTS:**

Staff suggests that the Commission consider the following:

- The applicant qualifies for consideration under Homesite Severance Policy (having purchase the property in 1956), but does not appear to require homesite subdivision within the ALR.
- The separation of the farm buildings from the agricultural remnant may result in their replacement on productive land, reducing the land's agricultural capacity.
- If subdivision is permitted, the landowner could, eventually subdivide the 0.4 ha ALR portion of the 2 ha homesite lot without reference to the Commission. A 0.4 ha lot could represent a residential intrusion into the farm remnant.

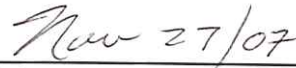
**ATTACHMENTS:**

- ALR map and airphoto
- District of Summerland sketch maps

**END OF REPORT**

A handwritten signature in cursive script, appearing to read "Matt Call", written above a horizontal line.

**Signature**

A handwritten date "Nov 27/07" written in cursive script above a horizontal line.

**Date**