



Staff Report
Application # V – 37801
Applicant: 436167 B.C. Ltd.
Agent: McElhanney and Associates
Location: Black Sage Rd., southeast of Oliver

DATE RECEIVED: November 16, 2007

DATE PREPARED: November 21, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To subdivide a 46 ha property into two lots of roughly equal size (22 ha and 24 ha) to separate ownership. The applicants also indicate that they are prepared to consolidate, by survey two parcels: Block A, DL 33s and DL 34s - 5 ha and 62 ha respectively, which are operated as a single integrated vineyard southeast of Vaseux Lake.

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 Regional District of Okanagan Similkameen

Legal Description of Property:

PID 009 123 008
Lot 1, DL 2450s, SDYD, Plan 14038

Purchase Date:

1993-03-01

Location of Property:

Black Sage Road, southeast of Oliver

Size of Property:

46 ha (The entire property is in the ALR).

Present use of the Property:

Vineyard with no structures

Surrounding Land Uses:

WEST: Black Sage Rd., Vineyards in the ALR

SOUTH: Vineyards in the ALR

EAST: Undeveloped native Reserve lands

NORTH: Vineyards in the ALR (large parcels)

Agricultural Capability:

Data Source: Agricultural Capability Map # 82 E/4

The majority of the property is identified as having prime dominant ratings.

Official Community Plan and Designation:

Oliver Rural OCP #2122 designates the land for agriculture.

Zoning Bylaw and Designation:

Oliver Rural Zoning bylaw permits a minimum lot size of 10 ha in the Agriculture 2 zone

RELEVANT APPLICATIONS:

Application #35654-0

Applicant: Thorp, Gregory

Decision Date: February 03, 2005

Proposal: To subdivide the 19.8 ha parcel into two lots: 6.3 ha and 13.5 ha. The applicants intend to develop greenhouses on the 6.3 ha parcel. The 13.5 ha property will continue to be leased for agricultural purposes.

Decision: The Commission allowed the subdivision of the 19.8 ha parcel into two lots subject to the binding of the titles of the proposed 6.3 ha lot (lowland area) and the nearby property which accommodates the existing greenhouse operation. The Commission would be prepared to remove the covenant if the lowland area is substantially developed for greenhouses.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The Regional District forwarded the application without comment as per policy.

STAFF COMMENTS:

Staff suggest that the Commission consider the following:

- The proposed subdivision is akin to similar requests that arise because of dual ownership of a farm property by two families, or relatives. Generally the Commission is not supportive of subdividing agricultural properties to separate the owners' investment equity, particularly if the outcome is the division of an integrated farm unit.

- This proposal is somewhat different from a typical dual ownership subdivision in that the parcel size is very large and contains no residences. No information in the file suggests that there will likely be any substantive alteration to the productive capacity of the property if subdivision is permitted. However this issue should be explored with the landowners at the site meeting.
- The offer to consolidate two parcels in agricultural production that are also owned by the applicant has merit from an agricultural perspective. Agricultural production on the 5 ha parcel is fully integrated into the larger 62 ha parcel.

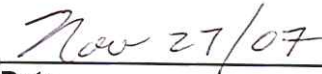
ATTACHMENTS:

- Airphotos of all of the affected properties.
- Applicants subdivision sketch plan
- ALR map

END OF REPORT



Signature



Date