



Staff Report
Application # V – 38129
Applicant: Lloyd and Brenda Miskiman

DATE RECEIVED: April 18, 2008

DATE PREPARED: May 26, 2008

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: Subdivision for a Relative: To subdivide two 1260 sq meter lots from the 0.5 ha subject property for the applicants children. The new home sites would be located on the north side of the existing house, away from the orchard to the south.

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 property. However, a similar application was considered elsewhere in Summerland in 2005. See below for details.

Local Government:

The Corporation of the District of Summerland

Legal Description of Property:

PID: 017-265-215

Lot B, District Lot 473, Osoyoos Division of Yale District, Plan KAP44922

Purchase Date:

1991-07-01

Location of Property:

15470 Mellor Road, Summerland

Size of Property:

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

Present use of the Property:

Single family residence, with a small detached garage. A few remaining old cherry trees which are gradually being removed as they die.

Surrounding Land Uses:

NORTH: Single family residential in the ALR
SOUTH: 2 ha farm property in the ALR
EAST: Mixed residential and small farm properties in the ALR.
WEST: Single family residential in the ALR

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E/12
The majority of the property is identified as having prime dominant ratings.

Official Community Plan and Designation:

OCP: Bylaw No. 96-001 Designation: Rural Residential

Zoning Bylaw and Designation:

Zoning: Bylaw No. 99-001 Designation: CR1- Country Residential 1
Minimum Lot Size: 1 ha (subject to LGA section 943 exemption)

RELEVANT APPLICATIONS:

Application #36098-0

Applicant: Lakatos, Eموke Julia
Decision September 23, 2005
Date:
Proposal: To subdivide the 0.25 ha lot into two lots of 0.08 ha and 0.17 ha.
Decision: Allow - subject to densification of vegetation to form a better buffer between the new lot and the adjacent agricultural parcel.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

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

- the construction of a 1.8 meter high fence on the southerly boundary.
- the registering of a covenant against the title of the property requiring maintenance of the buffer and fence, and notification that the residences are located in an active agricultural area.

Council also suggests that consideration be given to removing this lot and surrounding residential lands from the ALR.

STAFF COMMENTS:

Staff recommends that the Commission consider the following:

- The property is not an agricultural size.

- The proposed new lots and homes would be located away from the active agricultural area.
- If the Commission is prepared to allow the subdivision, fencing and buffering should be required.

ATTACHMENTS:

- 1:20,000 scale ALR map
- 1:2,000 scale orthophoto
- Applicant's sketch plan

END OF REPORT

Signature

Date