



Provincial Agricultural Land Commission - Staff Report

Application: 52774

Applicant: Marko Mazey
Agent: Cheryl White
Local Government: District of Lake Country

Proposal: To subdivide the subject property creating two equal sized parcels of 2.77 ha each to allow for succession planning; this meaning that both of the applicant's children would like to continue farming and operate their own separate farm.

BACKGROUND INFORMATION

The owners of the property meet the eligibility requirements under the ALC's Homesite Severance Policy; however, the intent of the proposal is not to subdivide a homesite from the property. The intent of this subdivision is to create two independent farm properties, each of which would have sufficient land to support a farm operation and create enough revenue to support the family operating the farm.

In 1993 the same owner made a similar application to subdivide the subject property into two lots of approximately equal size. In considering the application the Commission noted that the subject property has good agricultural capability ratings according to the Land Capability Classification for Agriculture in BC and that the land is located within an active agricultural area.

PROPERTY INFORMATION

PID: 012-073-881
Legal Description: Lot 16 Section 26 Township 20 Osoyoos Division Yale District Plan 808 Except Plan A476
Property Area: 6.0 ha
ALR Area: 6.0 ha
Purchase Date: December 8, 2011
Location: 13482 Broadwater Road
Owner: Marko Mazey

Total ALR Area:

LAND USE

Current Land Use:

The eastern 3/4 of the property is an orchard (~ 4 ha); the western 1/4 is steeply sloped and heavily treed. There is one residence and accessory buildings situated in the middle of the property.

Surrounding Land Uses:

North: Agricultural use
East: Agricultural use
South: Agricultural use
West: Wood Lake

PROPOSAL DETAILS

Subdivision - ALR Area: 6.0 ha

Number of Lots	ALR Area of Lot (ha)
2	3.0

Agricultural Capability:

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

Source: BCLI

Mapsheet: 82L.004

PREVIOUS APPLICATIONS

Application ID: 583

Legacy #: 28142

Applicant: M. & P. MAZEY

Note: The applicants were requesting permission to subdivide the 5.9 ha subject property into two lots of approximately 3.0 ha each. The application was refused on the grounds of good agricultural potential and impact.

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: N/A

Designation: Agriculture

OCP Compliance: Yes

Zoning:

Zoning Bylaw Name: Zoning Bylaw 561

Zoning Designation: Agriculture 1 (A1)

Minimum Lot Size: 3.8 ha

Zoning Compliance: Yes

Comments and Recommendations:

Agricultural Advisory Committee

The AAC recommends that Council not support the subdivision of the subject property into two equal sized parcels, but, noting that the applicant qualifies for consideration under the ALC's Homesite Severance Policy, will support a home site severance application that meets the ALC's requirements.

Board/Council

Moved for approval for the subdivision creating two equal sized parcels of 2.77 ha each to allow for succession planning. And that a covenant be registered on title restricting further subdivision of the property and restricting the size of the residence on the newly created parcel to be no larger in square footage than the existing residence.

Planning Staff

Recommends approval of a subdivision creating two equal sized parcels of 2.77 ha each to allow for succession planning.

ALC STAFF COMMENTS

Staff has the following comments:

- As noted the ALC considered a similar subdivision proposal from the same applicant's in 1993 which was refused by the ALC on the grounds that the property has good agricultural potential and the proposed subdivision would reduce the number of agricultural options open to farmers.
- The applicant is eligible for subdivision under the conditions of the ALC's Homesite Severance Policy. Of consideration is whether the remainder parcel (after creating a homesite lot) is of a suitable size for agricultural purposes.

ATTACHMENTS

52774_ContextMap35k.pdf

52774_AirphotoMap10k_HR.pdf

52774_AgCapabilityMap.pdf

52774CouncilReport.pdf

52774AACReport.pdf

END OF REPORT

Prepared by: Ron Wallace, August 14, 2012