
MEETING TYPE: Regular Council Meeting
MEETING DATE: December 20, 2022
AUTHOR: Jason Tran, Planner
DEPARTMENT: Planning and Development
ITEM TITLE: Property Line Adjustment ALR2021-002 (11309 and 11291 Reiswig Road)
DESCRIPTION: Application to the ALC for a proposed subdivision by adjusting the property line

QUESTION

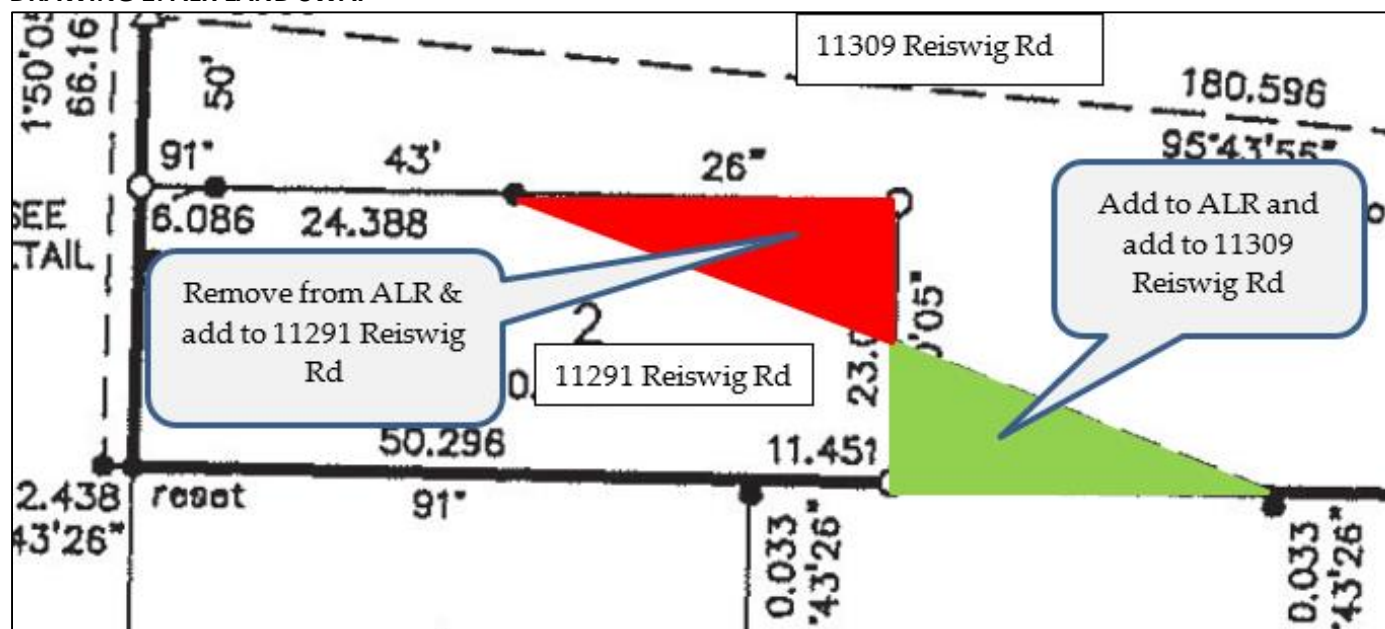
Does Council support an Agricultural Land Reserve (ALR) application to adjust a shared property line between 11291 and 11309 Reiswig Road by squaring off the 11291 Reiswig Road property resulting in no reduction in either property's size, no net loss of ALR Land, and no new parcels created?

OPTIONS

- A. THAT Subdivision Application ALR2021-002 for the properties located at 11309 Reiswig Road (10094161) and 11291 Reiswig Road (10094160) to allow for the proposed subdivision by adjusting the property line between 11291 and 11309 Reiswig Road resulting in no reduction in either property's size, no net loss of ALR Land and no new parcels to be created be supported;
AND THAT ALR2021 be forwarded to the Agricultural Land Commission.
- B. THAT ALR2021-002 for the properties located at 11309 Reiswig Road (10094161) and 11291 Reiswig Road (10094160) to allow for the proposed subdivision by adjusting the property line between 11291 and 11309 Reiswig Road resulting in no reduction in either property's size, no net loss of ALR Land and no new parcels not be supported;
AND THAT ALR2021-002 be forwarded to the Agricultural Land Commission.
- C. THAT ALR2021-002 for the properties located at 11309 Reiswig Road (10094161) and 11291 Reiswig Road (10094160) to allow for the proposed subdivision by adjusting the property line between 11291 and 11309 Reiswig Road resulting in no reduction in either property's size, no net loss of ALR Land and no new parcels not be supported;
AND THAT ALR2021-002 not be forwarded to the Agricultural Land Commission.
- D. THAT ALR2021-002 for the properties located at 11309 Reiswig Road (10094161) and 11291 Reiswig Road (10094160) to allow for the proposed subdivision by adjusting the property line between 11291 and 11309 Reiswig Road resulting in no reduction in either property's size, no net loss of ALR Land and no new parcels to be created be deferred pending receipt of additional information as identified by Council.

EXECUTIVE SUMMARY

The existing property at 11309 Reiswig Road is within the ALR and is in active agricultural production with 40% grazing land, 20% poultry production, and 25% vegetables (see Map 1). The land has multiple buildings, including two houses, sheds, and farm buildings (See Map 2). Residential properties surround the subject property to the north and west and ALR land to the south. The applicant proposes a property line adjustment by squaring off the back of the RU1 – Single Family Housing Lot (11291 Reiswig Road). The property line adjustment will result in no reduction in either property's size, no net loss of farmland, and no new parcels (see Drawing 1).



BACKGROUND/HISTORY

While 11309 Reiswig Road is completely within the ALR and has farm status, 11291 Reiswig Road is not included in the ALR (see Map 1). The original subdivision of 11309 and 11291 Reiswig Road occurred in 1969, prior to the creation of the ALR in 1973.

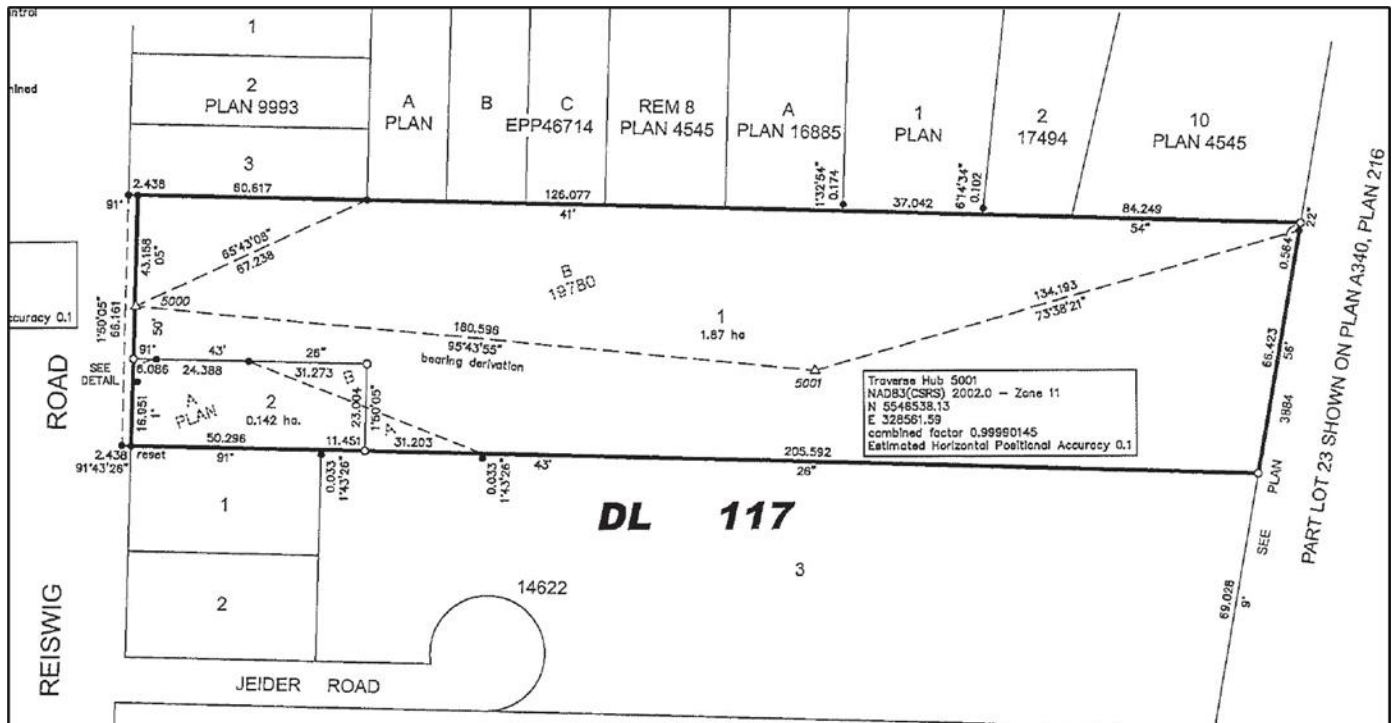
Summary Information			
Application Type	Subdivision (lot line adjustment)		
File Number:	ALR2021-002		
Civic Address:	11309 Reiswig Road	11291 Reiswig Road	
Folio/Roll #:	10094161	10094160	
Legal Description:	LOT B DISTRICT LOT 117 OSOYOOS DIVISION YALE DISTRICT PLAN 19780		LOT A DISTRICT LOT 117 OSOYOOS DIVISION YALE DISTRICT PLAN 19780
PID	006-691-056	007-969-902	
OCP Designation:	Agricultural	Urban Residential	
Zoning Designation:	Agricultural 1(A1)	Single Family Housing (RU1)	
Land Use Contract	No	No	
ALR:	Yes	No	
Parcel Size:	4.6 Acres or 1.86 Hectares (A1)	0.35 Acres or 0.14 Hectares (RU1)	
Water Supply:	Onsite (well)	Onsite (well)	
Sewer:	Onsite	Municipal	
Development Permit Area(s):	Agricultural	Stability, Erosion & Drainage Hazard	Greenhouse Gas Reduction
Adjacent Properties:	Zoning:		Use:
<i>North:</i>	Single Family Housing (RU1)		Single Dwelling Housing
<i>East:</i>	Public Park and Open Space (P1)		Public parks (trail)
<i>South:</i>	Agricultural 1 Zone (A1) and Single Family Housing (RU1)		Agriculture & Single Dwelling Housing
<i>West:</i>	Single Family Housing (RU1)		Single Dwelling Housing

SITE CONTEXT

The property at 11309 Reiswig Road is in active agricultural production (40% grazing land, 20% poultry production, and 25% vegetables). The land has multiple buildings including two houses, sheds, and farm buildings (See Map 2). The property at 11291 Reiswig Road is zoned RU1 – Single Family Housing and has a house, accessory buildings, and a garden in the back. Residential lands surround the subject properties to the north, west and south.

MAP 2: ORTHOPHOTO



DRAWING 2: PROPOSED SUBDIVISION PLAN**SITE PHOTO 1**

SITE PHOTO 2



View looking southeast at the 11291 Reiswig Rd (RU1)

SITE PHOTO 3



11291 Reiswig Rd (RU1 zone)

11309 Reiswig Rd (A1 zone)

View looking west at the approximate location of the adjusted property line between 11291 Reiswig Rd and 11309 Reiswig Rd.

CHRONOLOGY

Date (YYYY-MM-DD)	Event
2021-04-20	Application Submission
2022-10-17	Internal and External Referrals
2022-12-12	Agricultural Advisory Committee Consideration

DISCUSSION/ANALYSIS

Both landowners initiated the application and propose to remove a portion of 11309 Reiswig Road out of the ALR so it can become part of 11291 Reiswig Road while at the same time adding the same sized portion from 11291 Reiswig Road back into ALR for 11309 Reiswig Road (see Drawing 1 and Drawing 2).

No Net Loss of ALR Land

The ALR land swap that results from the property line adjustment will not result in any loss of ALR land. The purpose of the land swap and property line adjustment is to create a more useable lot shape for 11291 Reiswig Road—the same amount of land that will be removed from the ALR to accommodate this adjustment will be added back into the ALR per Drawing 2.

Therefore, there is no net loss of farmland or ALR land.

Zoning Bylaw

If approved, the squaring-off the backyard will create a more functional “rear” property line for the landowner of 11291 Reiswig Road, resulting in more efficient use of lot area for both property owners.

The proposed boundary adjustment would facilitate the staff review of any future development on 11291 or 11309 Reiswig Road.

APPLICABLE LEGISLATION AND POLICIES

Agriculture Plan

Goal 1 in the Agriculture Plan is to continue to protect and preserve the Agricultural Land Reserve for agricultural uses.

Goal 2 in the Agriculture Plan is to support agriculture throughout government process, policy, and regulation. The following related actions are intended to support this goal:

- Identify potential areas where specific farm-friendly neighbourhood development standards could be appropriate (e.g. along the urban containment boundary, ALR edge).

It is staff’s opinion that the proposed property line adjustment and land swap accommodates a more efficient property line arrangement for both properties without any loss of ALR land.

Official Community Plan (OCP)

The proposed development meets the following OCP policies:

14.1.3 (e.)

“Discourage subdivision of land located in the Agricultural Land Reserve, except for home site severances or boundary adjustments between existing parcels.”

14.3

“The District of Lake Country is committed to working with the Agricultural Land Commission to support their objective of protecting farmland throughout British Columbia. All development on lands designated as Agricultural must respect the policies of the Agricultural Land Commission.”

Zoning Bylaw

The proposed development meets all Zoning Bylaw regulations.

IMPACT ON INFRASTRUCTURE OR MUNICIPAL SERVICES

The proposed lot line adjustment should not have any impact on infrastructure or municipal services.

IMPACT ON STAFF CAPACITY AND FINANCIAL RESOURCES

Regular staff time was used in the processing of this application.

COMMENTS FROM EXTERNAL AGENCIES, COMMITTEES AND STAKEHOLDERS

ALC:

The proposed subdivision is neutral to farming benefits and if it is deemed to not qualify under Section 3 (below) then the application would be expedited to the Agricultural Land Commission's Chief Executive Officer for review when received.

The boundary adjustment may not be qualified under Section 3 of the ALC General Regulation for permitted subdivisions:

- 3(1) A subdivision of agricultural land is permitted for the purposes of the Act if
 - (a) an approving officer determines that the subdivision is of a type referred to in subsection (2), and
 - (b) the approving officer
 - (i) indicates the approval by endorsing on the plan of subdivision a certificate in the form required by the commission, and
 - (ii) submits to the commission a copy of the endorsed plan.
- (2) The following types of subdivision are permitted for the purposes of subsection (1) (a):
 - (a) a subdivision that does one or more of the following:
 - (i) consolidates 2 or more parcels into a single parcel by eliminating common lot lines;
 - (ii) establishes a legal boundary along the boundary of the agricultural land reserve;
 - (iii) resolves a building encroachment on a property line, if no additional parcels are created;
 - (b) a subdivision for which all of the following conditions are met:
 - (i) the agricultural land to be subdivided involves not more than 4 parcels, each of which is a minimum of 1 ha;
 - (ii) on subdivision, there would be no increase in the number of parcels and no parcel would be less than 1 ha;
 - (iii) the subdivision would allow for boundary adjustments that, in the opinion of the approving officer, will enhance farming on the agricultural land or permit better use of structures used for farming.

Other External Agencies

No comments or concerns were received from other external agencies (Ministry of Agricultural) or stakeholders.

Agricultural Advisory Committee:

The AAC considered the application at its meeting on December 12, 2022. The Committee's recommendation is included in this report as Attachment C.

CONSULTATION AND COMMUNICATION

Public consultation is not a legislative requirement for ALC applications and is not a requirement in the Development Approval Procedures Bylaw.

ANALYSIS OF OPTIONS FOR CONSIDERATION

The ALR application process requires joint approval of the application both at the Local Government and at the Provincial Commission levels.

OPTION A: If Council supports the application, the proposal will be forwarded to the Agricultural Land Commission for consideration. The ALC will take Council's decision into consideration when reviewing the application. If the ALC approves the application, the applicant will need to apply for a subdivision application at the ALC and the District of Lake Country

OPTION B: If Council does not support the application, the proposal will be forwarded to the ALC for consideration. The ALC will take Council's decision into consideration when reviewing the application.

OPTION C: If Council does not support the application, the proposal will not be forwarded to the ALC for consideration. The applicants will not be able to adjust the property line and the two properties will remain unchanged.

OPTION D: If Council requires additional information as identified by Council, then the application could be deferred to the next Council meeting for consideration.

Respectfully Submitted,
Jason Tran, Planner

Report Approval Details

Document Title:	RFCD-ALR2021-002-11309 and 11291 Reiswig Road-Property Line Adjustment Application.docx
Attachments:	- Attachment A - ALR Application.pdf - Attachment B - Subdivision Plan.pdf
Final Approval Date:	Dec 12, 2022

This report and all of its attachments were approved and signed as outlined below:

Brian Zurek, Manager of Planning - Dec 9, 2022 - 4:04 PM

Jared Kassel, Director of Planning & Development - Dec 11, 2022 - 8:32 PM

Tanya Garost, Chief Administrative Officer - Dec 12, 2022 - 10:17 AM