
MEETING TYPE: Regular Council Meeting
MEETING DATE: February 20, 2024
AUTHOR: Trevor Empey, Senior Planner
DEPARTMENT: Planning and Development
ITEM TITLE: Agricultural Land Reserve | ALR2021-012 | 15544 Old Mission Road
DESCRIPTION: Non-Adhering Residential Use Application for a Single-Family Dwelling to support farm operations on Agricultural Land Reserve

PURPOSE

To consider if this Non-Adhering Residential Use application meets District land use polices and regulations and to determine if this application will be forwarded to the Agricultural Land Commission (ALC) for decision.

RECOMMENDATION

THAT Non-Adhering Residential Use application ALR2021-012 for property at 15544 Old Mission Road legally described as Lot 2 Section 2&11 Plan KAP25623 Township 14, (Roll 1738281; PID 05-385-768) to allow a single-family dwelling to support farm operations not be supported;
AND THAT ALR2023-004 be forwarded to the Agricultural Land Commission.

EXECUTIVE SUMMARY

This Non-Adhering Residential Use application proposes an additional residence (single-family dwelling) that the applicant notes is required to support the farm operations of the subject property. The Agricultural Advisory Committee did not support the application as it was found that the applicant leases the majority of farmland and only farms a small amount of the farm operation (approximately 10%). Staff reviewed the District's Official Community Plan (OCP) and Zoning Bylaw and do not support this application. The OCP provides policy direction under Section 14 which outlines that Council is to support additional dwelling on farmland only when the farm warrants full-time help. Further, the Agricultural Plan provides policy direction to ensure protection of the Agricultural Land Reserve (ALR).

APPLICABLE LEGISLATION, BYLAWS AND POLICIES

Agricultural Land Reserve Use Regulation (B.C. Reg 30/2019)
Official Community Plan 2018-2038 Bylaw 1065, 2018
Agricultural Plan
Zoning Bylaw 561, 2007

BACKGROUND/HISTORY**TABLE 1: PROPERTY INFORMATION**

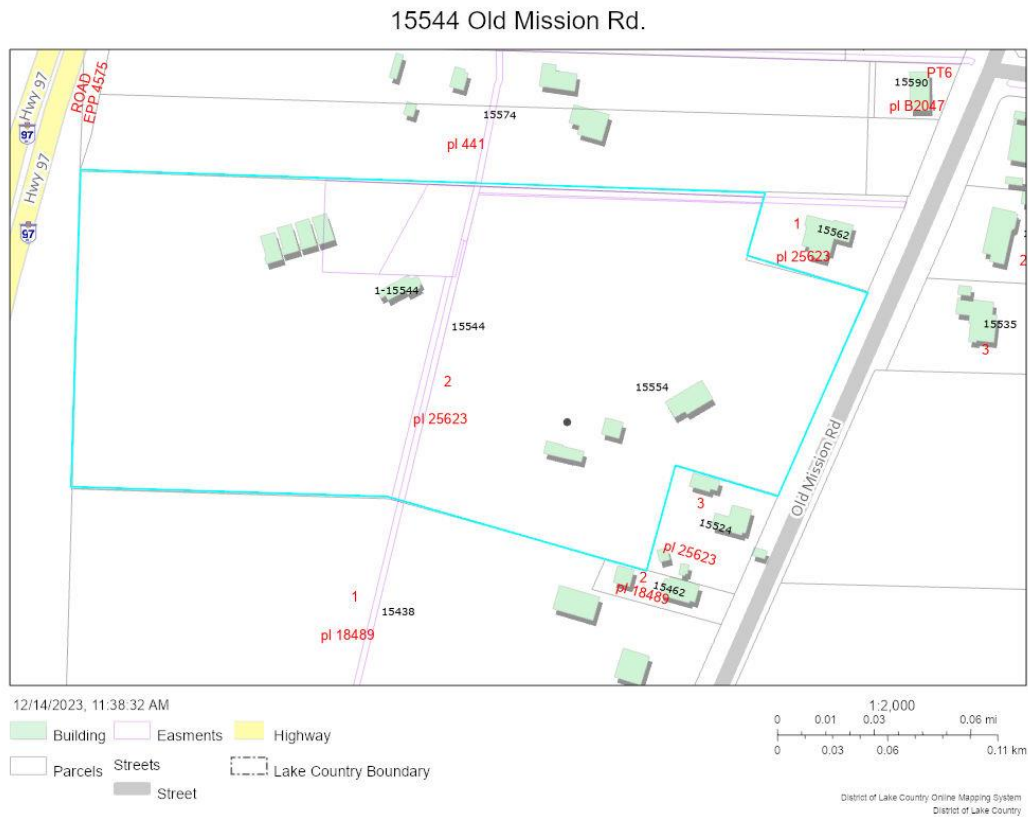
Civic Address:	15544 Old Mission Road		
Roll Number:	1738281		
Legal Description:	LOT 2 SECTION 2&11 OSOYOOS DIV OF YALE LAND DISTRICT PLAN KAP25623 TOWNSHIP 14		
Applicant:	Zabi Behin	Owner:	Zabi Behin Rayhan Behin Mahnaz Tashakkor Behin Nava Behin
OCP Designation:	Agricultural		
Existing Zoning Designation:	A1ta – Agriculture 1 (Agri-Tourism Accommodation)		
Proposed Zoning:	N/A		
Land Use Contract:	N/A		
Covenant:	Yes – BC Housing Management Commission (s.219)		
ALR:	Yes		
Parcel Size:	5.90 ha (14.58 ac)		
DP Area(s):	Natural Environment, Hillside, Drainage (Exempt for Farm Based Practices)		
Water Supply:	Municipal		
Sewer:	Private - Septic		
Site Context:	Zoning:	Use:	
<i>North:</i>	A1 – Agriculture	Agricultural	
<i>East:</i>	A1 – Agriculture	Agricultural	
<i>South:</i>	A1 – Agriculture	Agricultural	
<i>West:</i>	A1ta – Agri-Tourism	Agricultural	

SITE CONTEXT

The subject property is rural in nature located in the Oyama Ward of the District of Lake Country. The subject property is surrounded by agricultural parcels that are actively farmed. Located on the subject property are four Agri-Tourism Cabins, two mobile homes and several accessory buildings likely used to support the farm operations. There are three Easements located on this parcel protecting District irrigation lines.

There is also an existing Section 219 Covenant on the subject property which is held between BC Housing and the landowner. The intent of this Covenant is to restrict the uses of the four Agri-Tourism Cabins located on the subject property.

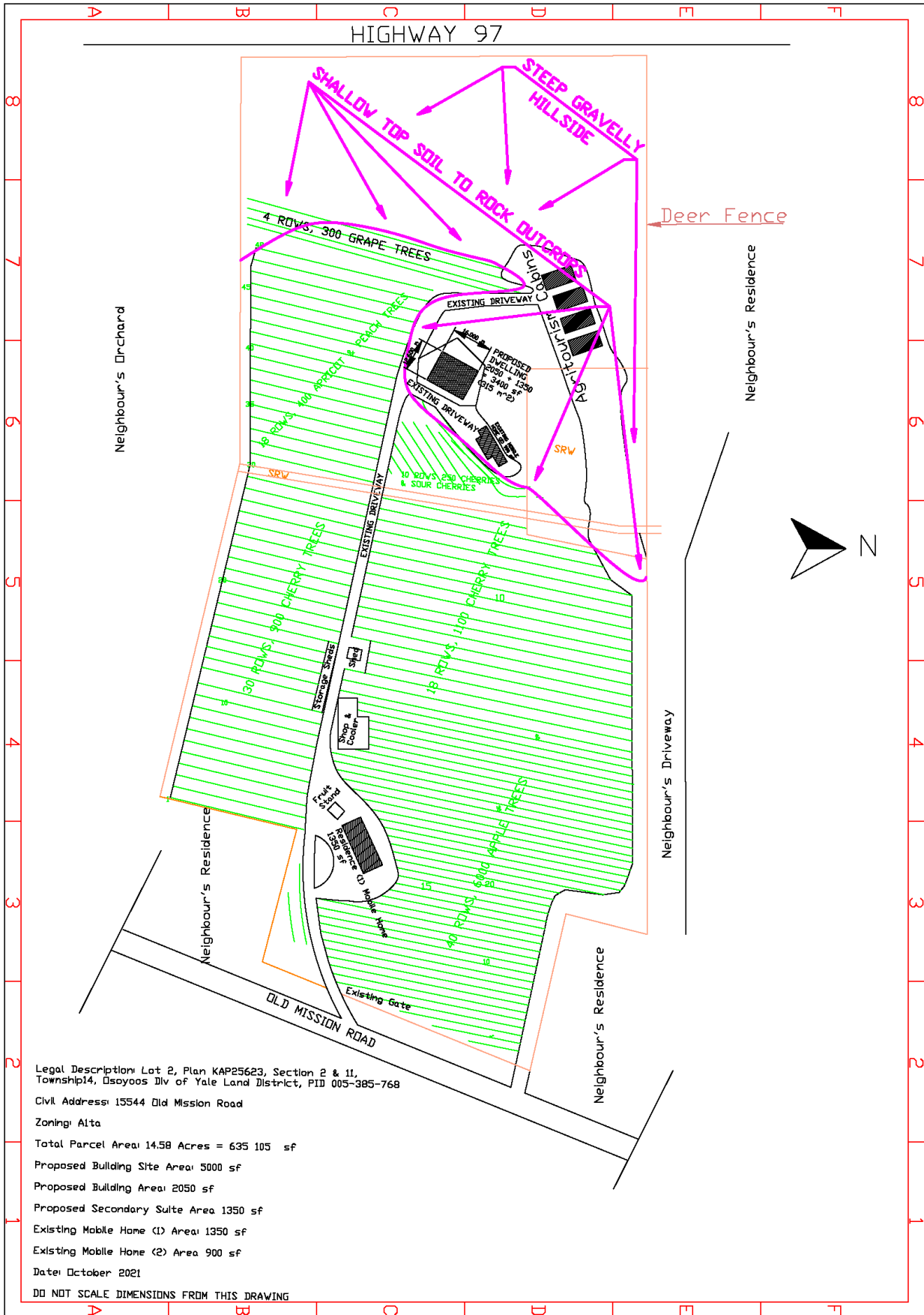
MAP 1: LOCATION MAP



MAP 2: ORTHOPHOTO



FIGURE 1: CONCEPTUAL SITE PLAN



Legal Description: Lot 2, Plan KAP25623, Section 2 & 11, Township 14, Osageos Div of Yale Land District, PID 005-385-768
 Civil Address: 15544 Old Mission Road
 Zoning: Alta
 Total Parcel Area: 14.58 Acres = 635 105 sf
 Proposed Building Site Area: 5000 sf
 Proposed Building Area: 2050 sf
 Proposed Secondary Suite Area: 1350 sf
 Existing Mobile Home (1) Area: 1350 sf
 Existing Mobile Home (2) Area: 900 sf
 Date: October 2021
 DO NOT SCALE DIMENSIONS FROM THIS DRAWING

FIGURE 2: SITE PHOTOS

Mobile Home (Primary Residence)



Additional Mobile Home



Accessory Building



TABLE 2: FILE CHRONOLOGY

Date	Event
2021-12-21	Application submission
2022-02-07	Application deemed Complete
2023-10-12	Core Team Meeting
2023-10-13	External Referrals
2023-11-20	Agriculture Advisory Committee Consideration
N/A	Previous Council consideration

DISCUSSION/ANALYSIS

Policy Review

Staff reviewed this application in relation to the District's Official Community Plan 2018-2038 (OCP) Agricultural policies under section 14 as well as the District's Zoning Bylaw 561,2007 section 12 – Agricultural Zones. Based on review of the applicable policies and regulations, feedback from the Agricultural Advisory Committee and more in depth understanding of the farm operations, staff are unsupportive of this application.

Section 14 of the OCP provides policy direction where Council is to support additional dwellings on farmland only when the farm warrants full-time help (14.1.3(f)). Based on original review of the application and from discussions with the applicant, staff understood that the intent by the applicant was to require the proposed single-family dwelling to support farm operations of the entire farm by additional family members.

Site Condition

The subject property current holds one mobile home used as the primary residence and permitted under Zoning Bylaw 561,2007 12.1.5(a), along with an additional mobile home noted to be used for housing farm help permitted under 12.1.5(b). Staff and the AAC reviewed this application in comparison to 12.1.5(c) which permits council to review applications for single-family dwellings necessary for farm purposes on parcels classified as farm as per Section 18 of the Agricultural Land Commission Act.

Assessment of Need for Additional Residence to Support Farm Operations

The applicant noted the intent for their family members to move from the existing mobile home (permitted as per 12.1.5(b)) to a new single-family dwelling. During the Agricultural Advisory Committee meeting on November 20, 2023, the applicant noted that the farm operations are primarily leased and a small amount of farming is done by the applicant and some family members. It was of the opinion of the AAC that a new single-family residence is not needed to support farm operations as the applicant currently farms 10% of the farm and that the intent for the family members would be to oversee the farm operations and Agri-Tourism Cabins which does not, necessitate an additional residence (single-family dwelling).

Staff concur with the AAC's decision to not support the Non-Adhering Residential Use application for the proposed single-family dwelling.

IMPACT ON INFRASTRUCTURE, SERVICES AND STAFF CAPACITY

Existing infrastructure for access (Old Mission Road) and water (municipal) have capacity to accommodate the proposed development. Regular staff time has been used to process the proposed development application.

FINANCIAL IMPLICATIONS

None Budget Previously Approved Other (see below)

CONSULTATION (Internal referrals, External Agencies, Committees, Stakeholders)

Agricultural Advisory Committee

As noted, staff presented to the AAC on November 20, 2023, where the committee did not support this application as it questioned the need for another residence to support farm operations and operation of the Agri-tourism cabins.

Ministry of Agriculture

The Ministry of Agriculture was referred for comment on this application where they noted that based on the provided materials, it was challenging to determine the actual intent of the proposal, its farm operations, amount of labour required and how family members are contributing to the farm operations. A follow up phone-call was held with Ministry staff to further discuss this application after the AAC meeting. Based on updates, Ministry staff noted it would be challenging to support the need for another residential dwelling to support the farm operations by family members.

COMMUNICATIONS

N/A

ALIGNMENT WITH COUNCIL STRATEGIC PRIORITIES

- Create and Support Opportunities for a Healthy, Active and Inclusive Community
- Create Infrastructure That Meets Community Needs
- Encourage Growth of the Downtown Core
- Ensure Sustainable Water Service Delivery for the Community
- Explore Opportunities to Engage With Regional Local Governments for the Betterment of the Community
- Honour Reconciliation by Strengthening Relationships and Inclusiveness With Our Indigenous Partners
- Identify and support improvements to the Development Process
- Implement the Agricultural Plan
- Preserve, Protect and Enhance Our Natural Environment
- Secure long term wastewater service delivery for our community
- Support Opportunities to Diversify Lake Country's Tax Base

ALIGNMENT WITH MASTER PLANS

- | | |
|--|--|
| <input checked="" type="checkbox"/> Agricultural Plan | <input checked="" type="checkbox"/> Official Community Plan |
| <input type="checkbox"/> Climate Action Charter | <input type="checkbox"/> Parks & Recreation Master Plan 2019 |
| <input type="checkbox"/> Housing Needs Report | <input type="checkbox"/> Sanitary Sewer System Map |
| <input type="checkbox"/> Liquid Waste Management Plan Stage 1/2 Report | <input type="checkbox"/> Transit Future Plan-Central Okanagan Region-DRAFT |
| <input type="checkbox"/> McCoubrey Plateau Area Structure Plan | <input type="checkbox"/> Transportation for Tomorrow |
| <input type="checkbox"/> Mobility Master Plan | <input type="checkbox"/> Water Master Plan |

OPTIONS

The following options are presented for Council's consideration:

- A. THAT Non-Adhering Residential Use application ALR2021-012 for property at 15544 Old Mission Road (Roll 1738281 PID 005-385-768) to allow a single-family dwelling to support farm operations not be supported AND THAT ALR2023-004 be forwarded to the Agricultural Land Commission.
- B. THAT Non-Adhering Residential Use application ALR2021-012 for property at 15544 Old Mission Road (Roll 1738281 PID 005-385-768) to allow a single-family dwelling to support farm operations be supported; AND THAT ALR2023-004 be forwarded to the Agricultural Land Commission.
- C. THAT Non-Adhering Residential Use application ALR2021-012 for property at 15544 Old Mission Road (Roll 1738281 PID 005-385-768) to allow a single-family dwelling to support farm operations) not be supported; AND THAT ALR2023-004 not be forwarded to the Agricultural Land Commission.
- D. THAT Non-Adhering Residential Use application ALR2021-012 for property at 15544 Old Mission Road (Roll 1738281 PID 005-385-768) to allow a single-family dwelling to support farm operations be deferred pending receipt of additional information as identified by Council.

Collaborators: *(each individual collaborator to add name and date reviewed)*

Name	Date Reviewed

Respectfully Submitted,
Trevor Empey, Senior Planner
MCIP, RPP

Report Approval Details

Document Title:	ALR2021-012-NARU-15544 Old Mission Road.docx
Attachments:	- Attachment A ALC Submission.pdf
Final Approval Date:	Feb 13, 2024

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

Brian Zurek, Manager of Planning - Jan 31, 2024 - 1:46 PM

Steven Gubbels, Manager of Development - Jan 31, 2024 - 2:45 PM

Jared Kassel, Director of Planning & Development - Jan 31, 2024 - 3:46 PM

Reyna Seabrook, Director of Corporate Services - Feb 8, 2024 - 9:02 AM

Trevor James, CFO, Director of Finance & Administration - Feb 13, 2024 - 11:52 AM

No Signature - Task assigned to Leslie Groulx, Interim Chief Administrative Officer was completed by workflow administrator Reyna Seabrook, Director of Corporate Services

Leslie Groulx, Interim Chief Administrative Officer - Feb 13, 2024 - 12:20 PM