

MEETING TYPE: Regular Council Meeting
MEETING DATE: April 2, 2024
AUTHOR: Jason Tran, Planner
DEPARTMENT: Planning and Development
ITEM TITLE: Agricultural Land Reserve | ALR00176 | 4551 Chase Road
DESCRIPTION: To facilitate homesite severance subdivision

PURPOSE

To consider a proposed (one-lot) homesite severance subdivision in the Agricultural Land Reserve

RECOMMENDATION

THAT Agricultural Land Reserve application ALR00176 for property at 4551 Chase Road, legally described as Lot 150 Section 3 Township 20 Osoyoos Division Yale District Plan 498 Except Plan 19884, Roll 2099000 be supported;

AND THAT ALR00176 be forwarded to the Agricultural Land Commission.

EXECUTIVE SUMMARY

The owners of the subject property proposed to subdivide the homesite from the remainder of their agricultural parcel. The subject property is zoned A1 – Agriculture and included in the Agricultural Land Reserve (ALR). The ALR identifies agricultural land and protects it for farming or food production by limiting development, including subdivision; however, the ALC does permit homesite severance subdivisions subject to specific development criteria.

The proposed subdivision would comply with policies in the Official Community Plan (OCP) that support homesite severance in the ALR. Additionally, the proposal would also comply with the ALC’s requirement for home ownership.

The Agricultural Advisory Committee (AAC) at its meeting on March 11, 2024 considered the proposal, and did not support the application.

Based on the policies of the OCP, staff support ALR00176 and the proposed homesite severance of the property at 4551 Chase Road.

BACKGROUND/HISTORY

The applicant’s letter of rationale in support of the proposed development is included as Attachment A. The ALC’s policy on homesite severance subdivision is included as Attachment B. The ALR application is included as Attachment C.

TABLE 1: PROPERTY INFORMATION

Summary	
Application Type	Agricultural Land Reserve - Subdivision of Homesite Severance
File Number:	ALR00176 Folio/Roll #: 2099000
Legal Description:	LOT 150 SECTION 3 TOWNSHIP 20 OSOYOOS DIVISION YALE DISTRICT PLAN 498 EXCEPT PLAN 19884

PID	012-297-518	
Civic Address:	4551 Chase Road	
OCP Designation:	Agricultural	
Zoning Designation:	A1 – Agriculture 1	
Land Use Contract	No	
ALR:	Yes	
Parcel Size:	4.35 ha (10.76 acres)	
Development Permit Areas:	Hillside, Natural Environment, Stability, Erosion & Drainage Hazard and Greenhouse Gas Reduction And Resource Conservation	
Water Supply:	DLC	
Sewer:	Onsite	
Site Summary:	Zoning:	Use:
North:	A1 – Agriculture 1	Agricultural
East:	A1 – Agriculture 1	Agricultural
South:	RU1 – Single Family Housing & A1 – Agriculture 1	Residential & Agricultural
West:	RR2 – Rural Residential 2	Rural Residential

SITE CONTEXT

The homesite has a house (280 m² footprint), a two-storey shop (111 m² footprint), a three-storey barn (201 m² footprint) and farm equipment storage (Figure 1). It is a fully developed homesite with a vegetable garden to the west and multiple accesses onto Chase Road. The homesite is serviced by an onsite sewer septic field just south of the barn.

The property has municipal water connections for the farm and the existing homesite. The subject property is not serviced by municipal sanitary sewer; however, future municipal sewer service is anticipated along Chase Road. Exiting sewer lines are installed in the area that are designed to connect to the municipal network through future development.

Hay (alfalfa) is grown on the remainder of the subject property.

MAP 1: LOCATION MAP

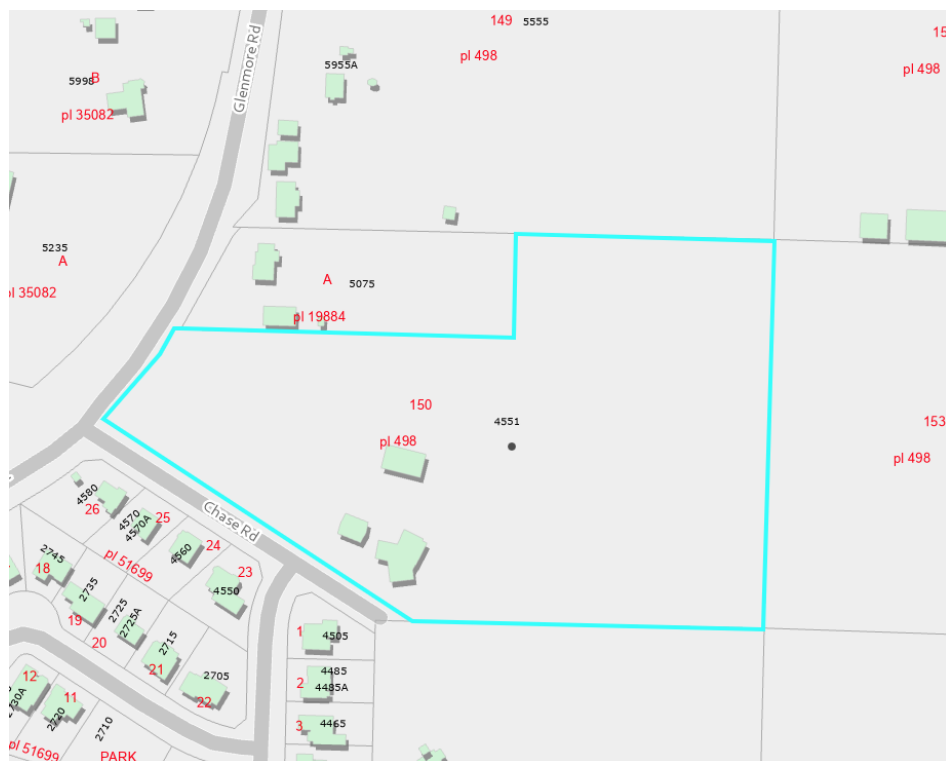


FIGURE 2: SITE PHOTO LOOKING EAST FROM THE NORTH SIDE OF THE BARN



FIGURE 3: SITE PHOTO LOOKING EAST AT THE HOUSE



FIGURE 4: SITE PHOTO LOOKING NORTH ON THE WEST SIDE OF THE SHOP



FIGURE 5: SITE PHOTO LOOKING NORTH FROM THE EAST SIDE OF THE HOUSE



TABLE 2: FILE CHRONOLOGY

Date	Event
2022-08-16	Application Submission
2024-01-23	Internal & External Referrals
2024-03-11	Agricultural Advisory Committee Consideration
2024-04-02	Council Consideration (today)

DISCUSSION/ANAYSIS

The proposed homesite severance subdivision is subject to the approval of the ALC against criteria outlined in policy (Attachment B). The information provided by the applicant indicates that the owners meet the ALC's minimum ownership requirements for a homesite severance subdivision.

To inform the District of Lake Country's (DLC) perspective on the proposed development, staff reviewed the OCP and Zoning Bylaw. The OCP includes the goal (14.1.1): *protect and enhance the agricultural sector within the District of Lake County*; and the associated objective (14.1.2): *protect the integrity of the Agricultural Land Reserve and the viability of local agriculture*. The OCP also recognizes that limited development on agricultural lands can occur in the community acknowledged by the following policy (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*.

Additionally, the proposed subdivision would comply with the OCP servicing policy (9.4.2), and with the Zoning Bylaw requirements of the A1 – Agriculture zone. If approved, the lot created through the proposed homesite severance subdivision would be approximately 0.54 ha (1.3 acres) in area. The remainder of the property would be approximately 4.36 ha (10.77 acres) and be available for agricultural activity.

Prior to review by Council, the AAC considered the proposed homesite severance subdivision. The Committee did not support the proposed development. Through discussion, AAC members concluded that the proposal would not support the future agricultural use of the subject property.

After considering the AAC's position, and in the context of the OCP policies and Zoning Bylaw regulations, staff support the ALR application for a homesite severance subdivision of the property at 4551 Chase Road.

Staff note that the proposed lot created through subdivision would exceed the minimum lot size (2,500 m²) of the A1 zone. Council could recommend to the ALC that proposed subdivision be redesigned to reduce the size of the proposed homesite in order to increase the size of the agricultural remainder.

APPLICABLE LEGISLATION, BYLAWS AND POLICY

Agricultural Land Commission (ALC)

The proposed development meets the following ALC policy:
Policy #11 Homesite Severance on ALR Lands (Attachment B)

Official Community Plan (OCP)

The proposed development meets the following OCP policy:

9.4.2 - Require all newly-created lots to be serviced with an on-site sewer system to be a minimum of one hectare in size. Homesite severances in compliance with the Agricultural Land Commission Act are exempt from this policy.

14.1.3 - Discourage subdivision of land located in the Agricultural Land Reserve, except for homesite severances or boundary adjustments between existing parcels.

Zoning Bylaw

12.1.6. Subdivision Regulations

(a) AREA

The minimum lot area is 3.8 ha, except it shall be 2,500 m² for homesite severance parcels serviced with community water or 700 m² for homesite severance parcels serviced with community water and community sewer.

IMPACT ON INFRASTRUCTURE, SERVICES AND STAFF CAPACITY

Should the proposed subdivision proceed, the owner would be required to upgrade services and infrastructure along Chase and Glenmore Roads as per DLC regulations.

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 March 11, 2024. The committee did not support this application as it questioned the need for this homesite severance subdivision and the potential of another homesite on the remainder of the parcel after it is sold to a new owner.

DLC Utilities:

New water service would be required off the existing main located along Chase Road; the existing water service would be disconnected and capped at the new property line.

DLC Building:

- Limiting distance of the barn (spatial separation and fire ratings of the barn walls)
- Setbacks for the barn to the proposed property line (rear)

DLC Subdivision:

If approved by the ALC, the applicant will be required to make a subdivision application to proceed with registering the lot.

DLC Engineering:

The applicant will be required to provide highway and walkway improvements.

Chase Road adjacent to the property is identified in the District Mobility Master Plan as proposed arterial street between Glenmore Road and Highway 97.

Dedication of right-of-way would be required, with the actual location and alignment to be determined.

A driveway access permit application(s) would be required.

Okanagan Basin Water Board (OBWB):

The OBWB does not have an objection to the proposed homesite severance:

“The 1.0 hectare policy does not apply to homesite severance lots under our current program terms of reference.”

COMMUNICATIONS (if applicable)

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 checked="" type="checkbox"/> Mobility Master Plan | <input type="checkbox"/> Water Master Plan |

OPTIONS

- A. THAT Agricultural Land Reserve application ALR00176 for property at 4551 Chase Road, legally described as Lot 150 Section 3 Township 20 Osoyoos Division Yale District Plan 498 Except Plan 19884, Roll 2099000 be supported;
AND THAT ALR00176 be forwarded to the Agricultural Land Commission.
- B. THAT Agricultural Land Reserve application ALR00176 for property at 4551 Chase Road, legally described as Lot 150 Section 3 Township 20 Osoyoos Division Yale District Plan 498 Except Plan 19884, Roll 2099000 not be supported;
AND THAT ALR00176 be forwarded to the Agricultural Land Commission.
- C. THAT Agricultural Land Reserve application ALR00176 for property at 4551 Chase Road, legally described as Lot 150 Section 3 Township 20 Osoyoos Division Yale District Plan 498 Except Plan 19884, Roll 2099000 not be supported;
AND THAT ALR00176 not be forwarded to the Agricultural Land Commission.
- D. THAT Agricultural Land Reserve application ALR00176 for property at 4551 Chase Road, legally described as Lot 150 Section 3 Township 20 Osoyoos Division Yale District Plan 498 Except Plan 19884, Roll 2099000 be deferred pending receipt of additional information as identified by Council.

Respectfully Submitted,
Jason Tran, Planner

Report Approval Details

Document Title:	ALR2022-001 (ALR00176) 4551 Chase Road.docx
Attachments:	- Attachment A-ALR00176-Rationale Letter-2024-04-02.pdf - Attachment B-ALR00176-ALC Policy 11-2024-04-02.pdf - Attachment C-ALR00176-ALC Submission Redacted-2024-04-02.pdf
Final Approval Date:	Mar 25, 2024

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

No Signature found

Steven Gubbels, Manager of Development - Mar 22, 2024 - 2:17 PM

Reyna Seabrook, Director of Corporate Services - Mar 25, 2024 - 3:30 PM

Paul Gipps, Chief Administrative Officer - Mar 25, 2024 - 3:51 PM