

To: Mayor and Council
From: Paul Gipps, CAO

Meeting Date: February 18, 2025
Meeting Type: Regular Council Meeting

Prepared by: Sheeja Vimalan, Planner
Department: Planning and Development

Title: Agricultural Land Reserve | ALR00193 | 13402 Talbot Road
Description: Application to allow construction of an additional single-family dwelling on a property in the Agricultural Land Reserve.

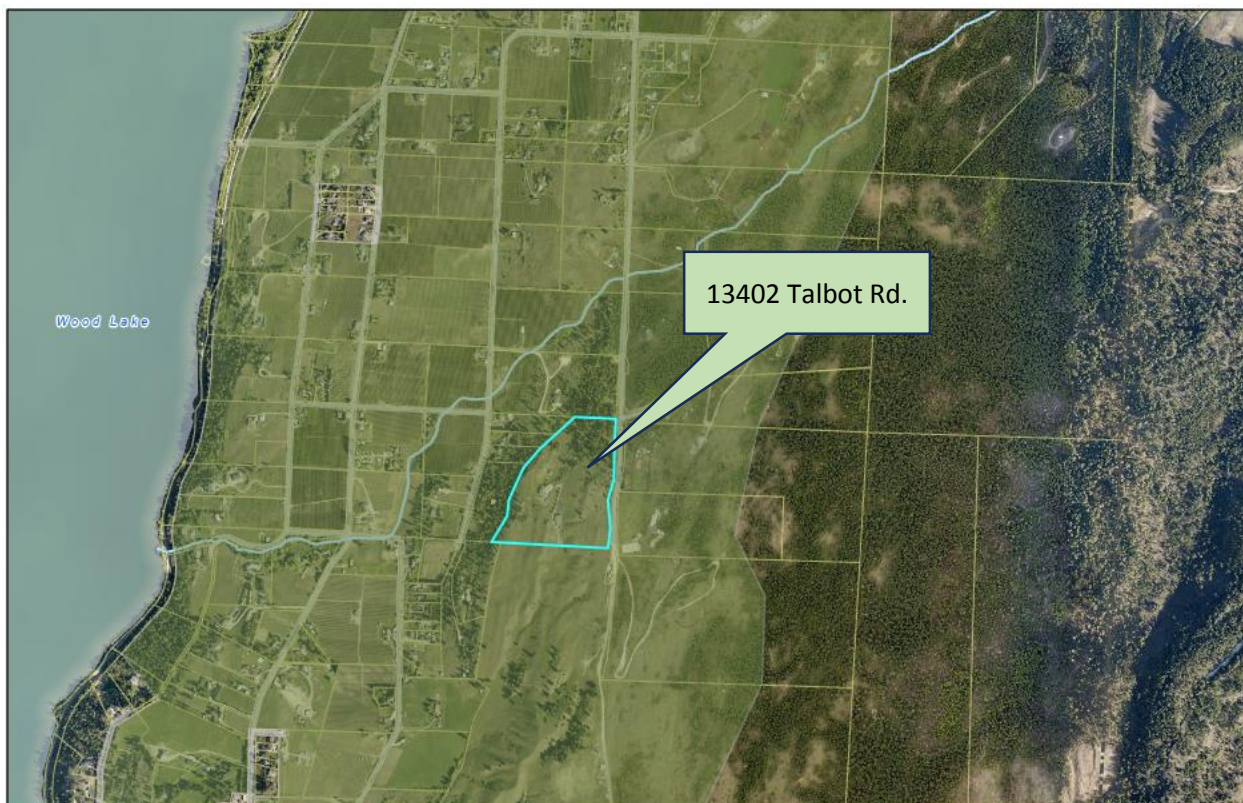
RECOMMENDATION

THAT Agricultural Land Reserve ALR00193 application for the property at 13402 Talbot Road, legally described as LOT 2 SECTION 25 TOWNSHIP 20 OSOYOOS DIVISION YALE DISTRICT PLAN 2484 EXCEPT PLAN KAP47011; Roll 02915.000 PID: 011-000-198, be supported.

EXECUTIVE SUMMARY

The subject property (Figure 1) is zoned A1—Agriculture and is located within the Agricultural Land Reserve (ALR). The applicant proposes to construct an additional single-family dwelling on the subject property with the intent to support the development of agricultural land.

FIGURE 1



The proposal is consistent with the District's Official Community Plan (OCP), the Zoning Bylaw A1 - Agriculture 1 and the Provincial Legislation including the *Agricultural Land Commission Act*.

Staff support the proposal.

BACKGROUND

Property Information			
Application Type	ALR (ALR00193)	Application Date: 2024-10-03	
Folio/Roll #:	2915.000		
PID & Legal Description	011-000-198; LOT 2 SECTION 25 TOWNSHIP 20 OSOYOOS DIVISION YALE DISTRICT PLAN 2484 EXCEPT PLAN KAP47011		
Civic Address:	13402 Talbot Road		
Applicant:	WIDRICK, GREGORY J	Owner:	WIDRICK, GREGORY J
OCP Designation:	Agricultural		
Zoning Designation:	A1 – Agriculture 1		
Land Use Contract	NA		
ALR:	ALR		
Parcel Size:	11.4 ha/28.2 ac		
Development Permit Areas:	<ul style="list-style-type: none"> • Natural Environment Development Permit Area • Wildland Fire Development Permit Area 		
Water Supply:	Municipal		
Sewer:	On-Site		
Site Summary:	Zoning:	Use:	
	<i>North:</i> A1 - Agriculture 1	Agriculture, extensive	
	<i>East:</i> A1 - Agriculture 1	Agriculture, extensive	
	<i>South:</i> A1 - Agriculture 1	Agriculture, extensive	
	<i>West:</i> A1 - Agriculture 1	Agriculture, extensive	

ANALYSIS

The owner has applied for an additional single-family dwelling on the subject property (Attachment A). The applicant intends to accommodate family members in the proposed dwelling (Attachment B) who will help to expand the farm business. Currently, the parcel consists of one residence (completed in 2007) and an accessory structure (completed in 2006). A plot plan for the proposed additional single-family dwelling and existing buildings is included in Attachment B.

The Agricultural Land Commission updated its legislation and use regulations (2019 and 2021) to allow ALR landowners to have both a principal residence and a small additional residence on ALR-designated property. The additional residence is not restricted to use for farm help or as a residence by family members. Prior to 2021, the ALC permitted additional residences on ALR-designated property only if they were necessary for farm help.

The District's Zoning Bylaw (section 12.1.5) includes the limits on additional single-family dwellings consistent with the ALR legislation and regulations prior to the province implementing the above-noted changes. Because the Zoning Bylaw has not been updated, the proposed second dwelling on the subject property would require Council's authorization. Should Council support the application, the owner would be permitted to construct the second dwelling without the file being forwarded to the ALC. The second dwelling would be permitted by the ALC's existing regulations. Staff will be bringing forward a Zoning Bylaw amendment for Council's consideration to make the District's regulations consistent with the guidance from the ALC.

Staff support the proposed second dwelling on the subject property.

Agricultural Advisory Committee

The District's Agricultural Advisory Committee (AAC) reviewed this application on February 10, 2025. The AAC supported the application.

Agricultural Land Reserve

The *Agricultural Land Commission Act*, allows local governments to approve permitted non-farm uses:

18 (3) An approving body may approve or permit a building or structure to be constructed or altered on agricultural land only if the building or structure

- (a) is not a residential structure and will be used for a farm use or permitted non-farm use,
- (b) is a principal residence and
 - (i) is of a size and is sited in accordance with section 20.1 (1), or
 - (ii) is permitted under section 25 or 45 or the regulations,
- (c) is an additional residence and is permitted under section 25 or 45 or the regulations, or
- (d) is a residential structure other than a residence and
 - (i) is of a size and is sited in accordance with the regulations or as permitted under an application made in accordance with the regulations, and
 - (ii) will be used as permitted under section 25 or 45 or the regulations.

Agricultural Land Reserve Use Regulation, Additional residences constructed after December 30, 2021(34.3 91) outlines the following regulations (Attachment C):

34.3 The use of agricultural land for an additional residence for which construction begins after December 30, 2021 is permitted on a parcel if all of the following conditions are met:

- (a) at the time that construction begins, the parcel has located on it only one residence, whether or not a suite is located in the residence as permitted under section 31;
- (b) neither residence will be attached to, nor be part of, the other residence;
- (c) one of the following applies to the residences, as constructed:
 - (i) if the parcel is 40 ha or less, there will be
 - (A) one residence, the total floor area of which is 500 m² or less, and
 - (B) one residence, the total floor area of which is 90 m² or less.

The ALC's Information Bulletin 05: Residences in the ALR is also attached to this report for review (Attachment D).

Official Community Plan

The property is within the OCP Agricultural designation on Map 1: Future Land Use and is within the ALR.

The property falls within the District's Natural Environment Development Permit Areas (DPA), and Wildland Fire DPA.

Zoning

The property is A1 – Agriculture Zone, and additional single-family dwelling is permitted under the Buildings and Structure Permitted (s. 12.1.5 (c)) provided that the second dwelling is approved by Council. The property has farm status from BC Assessment.

District staff support the proposed development as it integrates into the ALC regulations/policies and complies with the OCP's Agricultural goals (s.14.1.1): Protect and enhance the agricultural sector within the District of Lake Country.

FINANCIAL IMPLICATIONS

None Budget Previously Approved Other (see below)

COMMUNICATION

- This application was referred to internal departments and had no comments.

ALTERNATE RESOLUTION OPTIONS

- A. THAT Agricultural Land Reserve (ALR00193) for the property at 13402 Talbot Road, not be supported.
- B. THAT Agricultural Land Reserve (ALR00193) for the property at 13402 Talbot Road, be deferred pending receipt of additional information as identified by Council.

Respectfully Submitted,
Sheeja Vimalan, Planner

Report Approval Details

Document Title:	ALR00193 - 13402 Talbot Road - Additional Single Family Dwelling - Council Report.docx
Attachments:	- Attachment A - Location Map and Orthophoto.pdf - Attachment B - Building Elevation and Site Plan.pdf - Attachment C - ALC Regulations.pdf - Attachment D - INFORMATION BULLETIN 05-Excerpt.pdf
Final Approval Date:	Feb 13, 2025

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

Brian Zurek, Manager of Long Range Planning - Feb 12, 2025 - 9:35 AM

Jeremy Frick, Director of Development Approvals - Feb 12, 2025 - 12:31 PM

Reyna Seabrook, Director of Corporate Services - Feb 12, 2025 - 2:51 PM

Paul Gipps, Chief Administrative Officer - Feb 12, 2025 - 3:23 PM

Makayla Ablitt, Legislative & FOI Coordinator - Feb 13, 2025 - 9:25 AM