

**To:** Mayor and Council  
**From:** Paul Gipps, CAO

**Meeting Date:** March 18, 2025  
**Meeting Type:** Regular Council Meeting

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

**Title:** Agricultural Land Reserve | ALR00191 | 14550 Middle Bench Road  
**Description:** Application to allow reconstruction of an existing dwelling on a property within the Agricultural Land Reserve.

**RECOMMENDATION**

THAT Agricultural Land Reserve ALR00191 application for the property at 14550 Middle Bench Road, legally described as LOT B DISTRICT LOT 7 OSOYOOS DIV OF YALE LAND DISTRICT PLAN KAP53917 EXCEPTPLAN KAP73100 PID: 019-103-620, to allow reconstruction of an existing dwelling, be approved.

**EXECUTIVE SUMMARY**

The subject property (Attachment A) is zoned A1—Agriculture and is located within the Agricultural Land Reserve (ALR). The applicant proposes to rebuild the additional dwelling (over 90m<sup>2</sup>) on the subject property that has fallen into disrepair with the intent to accommodate family members.

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*.

**BACKGROUND**

| Property Information               |   |                                    |
|------------------------------------|---|------------------------------------|
| <b>Application Type</b>            | ALR Application   | Application Date: 2024-07-23       |
| <b>Folio/Roll #:</b>               | 9275.192  |                                    |
| <b>PID &amp; Legal Description</b> | 019-103-620; LOT B DISTRICT LOT 7 OSOYOOS DIV OF YALE LAND DISTRICT PLAN KAP53917 EXCEPTPLAN KAP73100 |                                    |
| <b>Civic Address:</b>              | 14550 Middle Bench Road   |                                    |
| <b>Applicant:</b>                  | Elizabeth Ellison   | <b>Owner s):</b> Elizabeth Ellison |
| <b>OCP Designation:</b>            | Agricultural  |                                    |
| <b>Zoning Designation:</b>         | A1 - Agriculture 1  |                                    |
| <b>Land Use Contract</b>           | N/A   |                                    |
| <b>ALR:</b>                        | ALR   |                                    |
| <b>Parcel Size:</b>                | 4.26 Ha/10.527 Acres  |                                    |
| <b>Development Permit Areas:</b>   | Natural Environment Development Permit Area   |                                    |
| <b>Water Supply:</b>               | Municipal   |                                    |
| <b>Sewer:</b>                      | Private   |                                    |
| <b>Site Summary:</b>               | <b>Zoning:</b>  | <b>Use:</b>                        |
|                                    | <i>North:</i> A1 - Agriculture 1  | Agriculture                        |
|                                    | <i>East:</i> A1 - Agriculture 1   | Agriculture                        |
|                                    | <i>South:</i> A1 - Agriculture 1  | Agriculture                        |
|                                    | <i>West:</i> A1 - Agriculture 1   | Agriculture                        |

## ANALYSIS

In addition to the existing principal residence, the applicant has a house on the northeast corner of the property (built in 1920) which has fallen into disrepair (Attachment B). The applicant proposes to rebuild the additional house with a main floor and walk-out basement on the same footprint; the total area of the proposed dwelling would be greater than 90m<sup>2</sup>. The additional residence would be occupied by family members. The property has farm status from BC Assessment.

As per section 20.1 of the *Agricultural Land Commission Act*, the owner has submitted a non-adhering residential use application (Attachment C) to the Agricultural Land Commission (ALC) to request permission to rebuild a residential structure on the property (Figure 1). An application to the Commission, and Commission approval of that application, are requirements to replace residences which pre-date the ALR (older than December 21, 1972) (Attachments D and E). The applicant is seeking support from the Committee members to rebuild the additional residence in the Agricultural Land Reserve (ALR).

Rebuilding the house would not impact on the agricultural use of the land as it is proposed to be built on the existing footprint. The proposed house would enhance the neighbourhood (as the existing dilapidated house would be removed) and would provide much-needed housing.

### Official Community Plan

The property is within the OCP Agricultural designation on Map 1: Future Land Use. The property falls within the District's Natural Environment Development Permit Areas (DPA); however, a Development Permit would not be required as it corresponds to the OCP exemptions (s.21.9.a) stated: A Development Permit will not be required if the development consists of the following:

- a. *Land is no longer considered environmentally sensitive due to the loss of environmental features, functions and conditions as a result of a previously approved development.*

### Zoning Bylaw

The property is A1 – Agriculture Zone; an additional single-family dwelling is permitted under the Buildings and Structure Permitted (s. 12.1.5 (c)) provided that the additional dwelling has been approved by Council.

District staff are supportive of the proposed development as it is consistent with the OCP's Agricultural goals (s.14.1.1): Protect and enhance the agricultural sector within the District of Lake Country.

### Agricultural Advisory Committee (AAC)

The AAC reviewed this application at their March 10, 2025 meeting. The AAC supported the application.

## FINANCIAL IMPLICATIONS

None       Budget Previously Approved       Other (see below)

## COMMUNICATION

Internal Referrals were sent out on January 23, 2025.

### DLC Staff comments:

- The property is currently adequately serviced to support the proposed reconstruction of an existing dwelling.
- The District of Lake Country Subdivision and Development Servicing Bylaw 1121, 2020 exempts single dwelling applications from the requirement to construct, install or pay monies in lieu of highways, walkways, curbs, gutters, sidewalks, street lighting and underground wiring.
- Should the applicant wish to connect the proposed dwelling to the municipal water/sewer system, an application would be required at the time of the building permit. A1 zoning permits the use of an on-site water source (well).
- The existing water meter would need to be relocated to a meter pit on the property and the new dwelling would need to be connected to the existing water service.

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- No person shall excavate or fill land to construct works, nor shall any person construct or install any of the works until a Certificate to Commence Construction is issued.

**ALTERNATE RESOLUTION OPTIONS**

1. THAT Agricultural Land Reserve ALR00191 application for the property at 14550 Middle Bench Road, legally described as LOT B DISTRICT LOT 7 OSOYOOS DIV OF YALE LAND DISTRICT PLAN KAP53917 EXCEPTPLAN KAP73100 PID: 019-103-620, to allow reconstruction of an existing dwelling, not be approved.
2. THAT Agricultural Land Reserve ALR00191 application for the property at 14550 Middle Bench Road, legally described as LOT B DISTRICT LOT 7 OSOYOOS DIV OF YALE LAND DISTRICT PLAN KAP53917 EXCEPTPLAN KAP7310 PID: 019-103-620, to allow reconstruction of an existing dwelling, be deferred pending receipt of additional information as identified by Council.

Respectfully Submitted,  
**Sheeja Vimalan, Planner**

## Report Approval Details

|                      |  |
|----------------------|--|
| Document Title:      | ALR00191 - 14550 Middle Bench Road - Rebuild Additional Dwelling.docx  |
| Attachments:         | <ul style="list-style-type: none"> <li>- Attachment A-ALR00191-Location Map and Orthophoto.pdf</li> <li>- Attachment B-ALR00191-Site Plan and Site Photos.pdf</li> <li>- Attachment C-ALR00191-ALC Application ID 103578.pdf</li> <li>- Attachment D-ALR00191-Agricultural Land Commission Act - Excerpt.pdf</li> <li>- Attachment E-ALR00191-ALC Info Bulletin 5.pdf</li> </ul> |
| Final Approval Date: | Mar 13, 2025   |

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

**Steven Gubbels, Development Engineering Manager - Mar 12, 2025 - 10:29 AM**

**Carie Liefke, Manager of Current Planning - Mar 12, 2025 - 10:49 AM**

**Jeremy Frick, Director of Development Approvals - Mar 12, 2025 - 4:21 PM**

**Reyna Seabrook, Director of Corporate Services - Mar 12, 2025 - 5:23 PM**

**Paul Gipps, Chief Administrative Officer - Mar 13, 2025 - 7:38 AM**

**Makayla Ablitt, Legislative & FOI Coordinator - Mar 13, 2025 - 10:10 AM**