

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: J. Zaffino, Chief Administrative Officer
DATE: January 18, 2024
RE: Agricultural Land Commission Referral (Subdivision) – Electoral Area “H” (H2023.017-ALC)

Administrative Recommendation:

THAT the RDOS Board “authorize” the application to undertake a boundary adjustment (subdivision) between the parcels located at District Lot 941, KDYD, and District Lot 2416 KDYD, to proceed to the Agricultural Land Commission.

Purpose: To allow for a lot line adjustment to provide road access to District Lot 941 (Land-locked)

Civic: 985 Summers Creek Road Legal: District Lots 941 and 2416, SDYD

Folio: H00841.000 Zone: Agriculture Three (AG3) and Large Holdings Two (LH2)

Proposed Development:

An application has been lodged with the Agricultural Land Commission (ALC) under Section 21(2) of the *Agricultural Land Commission Act* (the Act) in order to permit a subdivision to occur within the Agricultural Land Reserve (ALR).

Specifically, the applicant is seeking the Commission’s approval to allow for the adjustment of a property line between two properties, resulting in one being reduced from 128.4 ha to 119 ha and one being increased from 49.5 ha to 59.0 ha (a difference of approximately 9.5 ha for each parcel).

In support of this proposal, the applicant has stated that “this lot line adjustment will provide district Lot 941 (DL 941) direct access to Summers Creek Road, because currently District Lot 941 (DL941) is land locked by District Lot 2416 (DL 2416) and District Lot 819 (DL 819).”

Statutory Requirements:

Under Section 34.1(2) of the *Agricultural Land Commission Act*, the Regional District of Okanagan-Similkameen (RDOS) must “review the application, and ... forward to the commission the application together with [its] comments and recommendations”, unless Section 25(3) applies wherein the Board has the ability to refuse to “authorise” an application.

Under Section 25(3) of the Act, formal “authorization” by the Regional District Board is only required for applications that apply to land that is zoned by bylaw to permit farm use, or requires an amendment to an official community plan or a zoning bylaw.

In this instance, Section 25(3) is seen to apply as the property “is zoned by bylaw to permit [an] agricultural or farm use”.

Site Context:

The subject property is approximately 49.5 ha in area and is situated west of Summers Creek Road but does not front onto the road as a result of the adjacent parcel, DL 2416. It is understood that the parcel is vacant land.

The surrounding pattern of development is generally characterised by similarly sized agricultural parcels, smaller residential parcels that have been development with single detached dwellings, and resource lands.

Background:

It is unknown when the subject parcels were created by subdivision while available Regional District records indicate that no building permit have been previously issued for this property.

Under the Electoral Area “H” Official Community Plan (OCP) Bylaw No. 2497, 2012, the parcel at District Lot 941 is designated as part Large Holdings (LH) and part Agricultural (AG), while the parcel at District Lot 2416 is designation Agriculture (AG). Both parcels are also the subject of a Watercourse Development Permit (WDP) Area designation.

The AG designation, which applies to the land that is the subject of this application, speaks to a minimum parcel size for subdivision of 20.0 ha.

Under the Electoral Area “H” Zoning Bylaw No. 2498, 2012, the land that is the subject of this application is currently zoned Agricultural Three (AG3), which establishes a minimum parcel size of 20.0 ha. Section 8.0 (Subdivision Regulations) of the Zoning Bylaw does, however, provide exemptions to a minimum parcel size requirement where an alteration of lot lines results in the following:

- i) no additional parcels are created upon completion of the alteration;*
- ii) the altered lot line does not infringe on the required setbacks for an existing building or structure located on a parcel;*
- iii) the alteration does not reduce the site area of the parcels involved to a size less than that of the smallest parcel that existed prior to the alteration.*

BC Assessment has classified the DL941 property as “Residential” (Class 01) and part “Farm” (Class 09)) and the DL2416 property as “Farm” (Class 09).

Analysis:

In considering this proposal, Administration notes that zoning bylaw’s use of minimum parcel sizes in the agricultural zones is generally to regulate density and avoid the fragmentation of agricultural land into parcel sizes that make agriculture unsustainable.

In this instance, however, the proposal meets the exemption criteria for a boundary adjustment under Section 8.0 of the Zoning Bylaw as no additional parcels are being created, the resultant parcels will comply with the 20.0 ha minimum parcel size requirements of the AG3 Zone and there are no structures within the setbacks of the proposed new parcel lines.

For this reason, the proposal is seen to be consistent with the applicable land use bylaws. In addition, it will provide frontage to a public road for a parcel that is currently “land-locked”.

For these reasons, Administration is recommending support of this application being authorized to proceed to the Agricultural Land Commission.

Alternatives:

1. THAT the RDOs Board “not authorize” the application for subdivision on the parcels located at District Lot 941 and 2416, SDYD and for it to not proceed to the Agricultural Lands Commission.

Respectfully submitted:



D. Cheveldeaw, Planning Technician

Endorsed By:



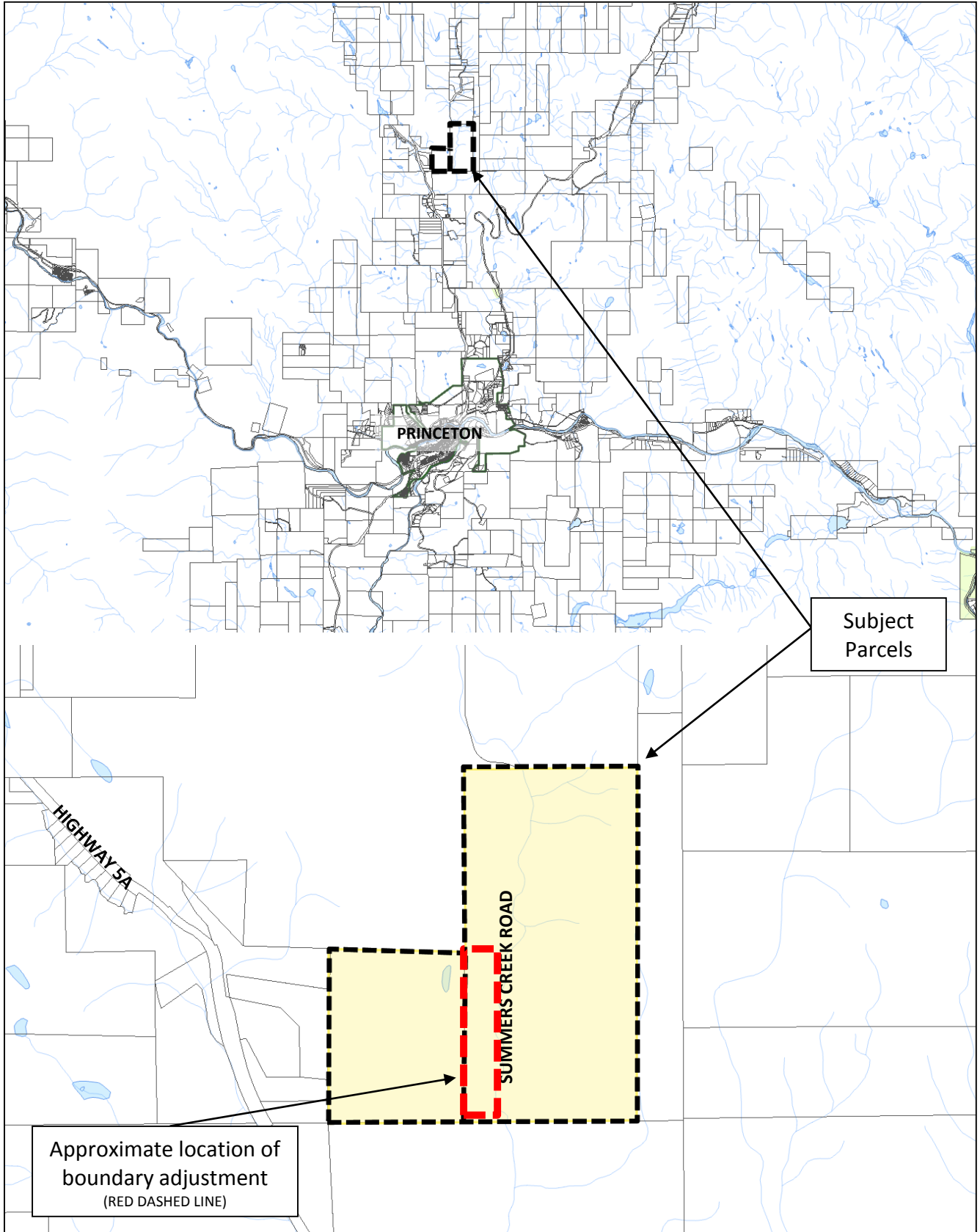
C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Context Maps

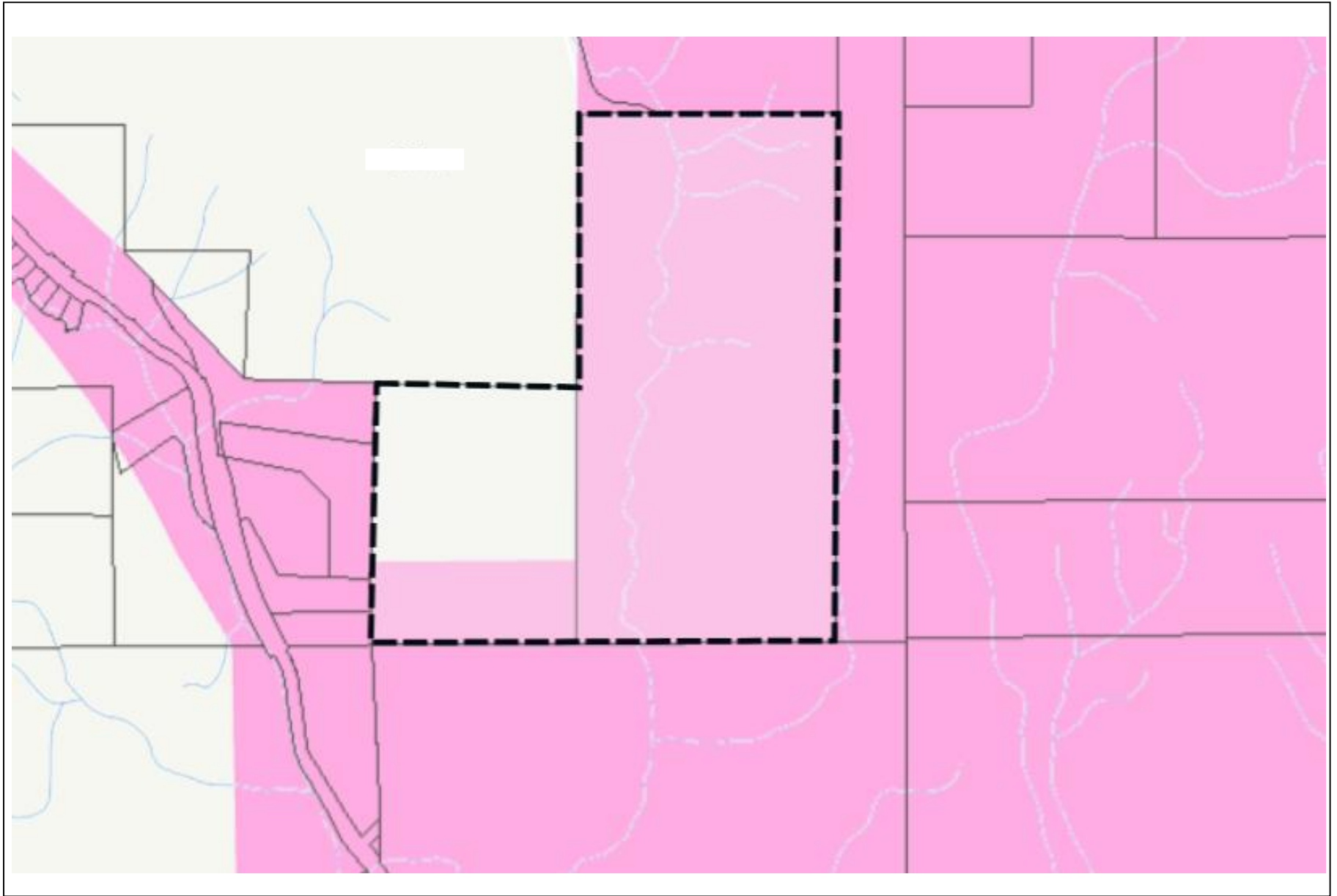
No. 2 – Agricultural Land Reserve (ALR) Boundaries

No. 3 - Applicant’s Site Plan

Attachment No. 1 – Context Maps



Attachment No. 2 – Agricultural Land Reserve (ALR) Boundaries



Attachment No. 3 – Applicant’s Site Plan

