

To: Her Worship Mayor McKortoff and Members of Council
From: Shannon Duong, Contract Planner
Date: April 23, 2024
Subject: Request to Exclude Lands from the Agricultural Land Reserve (A24-01)
4704 Main Street
Tracker No: AI-621

Recommendation:

THAT an application to the Agricultural Land Commission to exclude the property at 4704 Main Street from the Agricultural Land Reserve be initiated;

AND THAT staff give notice of the application in accordance with s. 29(2)(a) of the *Agricultural Land Commission Act* and s. 15 of the *Agricultural Land Reserve General Regulation*;

AND THAT a public hearing be scheduled in accordance with s. 29(2)(b) of the *Agricultural Land Commission Act* and s. 465 of the *Local Government Act*, for May 21, 2024.

CAO Comments:

Approved for council consideration.

Executive Summary:

This request is seeking the exclusion of the property at 4704 Main Street (Lot 1, District Lot 43, SDYD, Plan KAP64956) from the Agricultural Land Reserve (ALR), in order to facilitate the development of the property for multi-family residential use.

Statutory Requirements:

Under Section 29(1) of the *Agricultural Land Commission Act*, only a local government or First Nation may apply to the ALC to have land excluded from the ALR.

Under Section 14 of the *Agricultural Land Reserve General Regulation*, a local government that is applying to exclude land from the Reserve must do all of the following:

- a) *give notice of the application not less than 3 days and not more than 10 days before the date of the public hearing;*
- b) *give a copy of the application to the following:*
 - i) *if the land that is the subject of the application is adjacent to an area over which a different local government or first nation government has jurisdiction, that different local government or first nation government;*
 - ii) *each local government or first nation government whose interests, the local or first nation government applicant believes, will be affected by the application;*
- c) *include with the application:*
 - i) *a report of the public hearing and any additional public comments, and*

- ii) any other supporting material the commission may require;*
- d) post a sign, in a form and manner acceptable to the commission, on the land that is the subject of the application.*

In addition, the Exclusion request must be accompanied by a resolution from Council.

Background:

The subject property is approximately 0.2 ha in area and is situated on the north side of Main Street. It is understood that the parcel is comprised of a single detached dwelling.

The surrounding pattern of development is varied, with lands to the east and north being within the Osoyoos Indian Band Indian Reserve and consisting of agricultural uses, lands to the south across Main Street consisting of agricultural production, and a manufactured home park to the west (i.e., the Cedar Villa Strata Community).

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on August 4, 1999.

Under the Town of Osoyoos Official Community Plan (OCP) Bylaw No. 1375, 2022, the subject property is currently designated Agriculture (AG), and is subject to a Hillside Development Permit (HDP) Area designation.

Under the Town of Osoyoos Zoning Bylaw No. 1085, 1998, the property is currently zoned Agriculture (AG).

The property is within the Agricultural Land Reserve (ALR), and has been the subject of various Agricultural Land Commission (ALC) applications in the past. Previous applications were made to the ALC by a former property owner in 1996 and the current property owner in 2004 to exclude the subject property from the ALR and were subsequently refused by the Commission (ALC Resolutions #492/86, #340/2004).

BC Assessment has classified the property as "Residential" (Class 01).

Analysis:

In considering this request, Administration notes that the proposal seeks to remove lands designated and zoned for agricultural use from the Agricultural Land Reserve (ALR) for the purpose of developing the site for multiple family residential development (NOTE: no detailed plans have been provided with respect to this development proposal).

The supplementary report submitted with the request indicates a tentative proposal to amend the OCP designation of the property to Low-Medium Density Residential (or other similar designation) and be included in the Growth Containment Area, and to amend the zoning of the property to Low Density Residential (R3) (or other similar zone)).

While the Official Community Plan (OCP) Bylaw generally speaks to supporting the preservation of agricultural lands and the use of these lands for farming, Administration acknowledges that the parcel is relatively small, with municipal services (i.e., water and sewer), and generally surrounded by lands which are not otherwise regulated by the Agricultural Land Commission (ALC).

Namely, the westerly parcel is not within the ALR and is developed to a manufactured home park, and the northerly and easterly parcels are located within the Osoyoos Indian Band Indian Reserve, which is federally regulated and subsequently outside of the jurisdiction of the ALC.

Furthermore, it is understood that the northerly parcel has recently been identified by BC Housing and the Osoyoos Indian Band for the development of an affordable multiple family rental housing development (i.e. apartments).

In consideration of the current and anticipated future circumstances, the subject property is generally seen to be isolated from the ALR, with the nearest, non-fragmented block of ALR lands being across Main Street (i.e., Highway 3, which is a provincially controlled access highway).

Given its small size, and isolation from other agricultural lands, Administration finds that the property is unlikely to be used for substantive agricultural production in the future or included as part of a larger farm unit and the exclusion of the property from the ALR would not have substantial negative impacts on the overall agricultural land base within the Town.

As the property has existing municipal services, and is located in close proximity to an existing bus stop and the Town's proposed on-street multi-modal paved trail, there appears to be merit in designating the property for future residential development, whether it be in the form of a multiple family dwelling (i.e., apartment or townhomes) or small-scale multi-unit housing.

Alternative:

Conversely, the OCP Bylaw generally supports the preservation of agricultural lands within the Town and discourages the exclusion of lands from the ALR except where transportation connections are required and parcels are less than 0.8 ha in area, are being used for non-farm purposes, and were issued title on or prior to December 21, 1972. The proposal does not meet either criteria for exclusion under the OCP Bylaw.

Summary:

In summary, although the request is not consistent with the property's current OCP and zoning designations, the exclusion of the property from the ALR is not seen to have substantial long-term negative impacts on the agricultural land base within the Town and its location and existing servicing lends merit to the use of the property for expanded residential purposes. As such, Administration is supportive of the request, and recommends that the Town initiate the application and required public consultation works in accordance with the *ALC Act* and *ALR General Regulations*.

Should Council resolve to initiate an exclusion application, Council would take on the role as the applicant and subsequently be responsible for the ALC application fee, as well as undertaking all required public notification and consultation requirements.

It is understood that the fee for local-government-initiated ALC exclusion applications is \$750.00; however, staffing, notification, and signage costs will vary depending on time requirements, as well as current sign production and newspaper advertisement costs.

Following the completion of all required consultation works, the application would return before Council for consideration as to whether to submit the application to the ALC in consideration of the feedback collected.

Furthermore, should Council submit the application and the ALC approve it, zoning and OCP bylaw amendments would be required to facilitate any residential re-development on the property.

Options/Discussion:

1. THAT an application to the Agricultural Land Commission to exclude the property at 4704

Main Street from the Agricultural Land Reserve be initiated;

AND THAT staff give notice of the application in accordance with s. 29(2)(a) of the Agricultural Land Commission Act;

AND THAT a public hearing be scheduled in accordance with s. 29(2)(b) of the Agricultural Land Commission Act and s. 465 of the Local Government Act, for May 21, 2024.

2. THAT the request to exclude the property at 4704 Main Street from the Agricultural Land Reserve be denied.

Implications:

a) Community

- If the property is successfully excluded from the ALR, there would be greater flexibility with respect to the future use of the property. The community may benefit from additional housing opportunities, if the property is subsequently developed for the proposed purpose of a multiple family dwelling development.

b) Organizational

- If Council resolves to initiate the application, and the application is approved by the ALC, additional authorizations will be required to facilitate further development of the site (i.e., Zoning and OCP Bylaw amendments, building permit(s), etc.).

a) Budget

- Financial/Risk Implications: If Council resolves to initiate the application, including the aforementioned application fee, staffing, notification, and signage costs.

b) Significant Dates

- N/A

c) Sustainability

- As the property has existing municipal services and is located in proximity to existing and proposed alternative transportation routes (i.e., bus service and proposed trail network), the development of the site for expanded residential use would support the Town's sustainability initiatives.

Others Consulted:

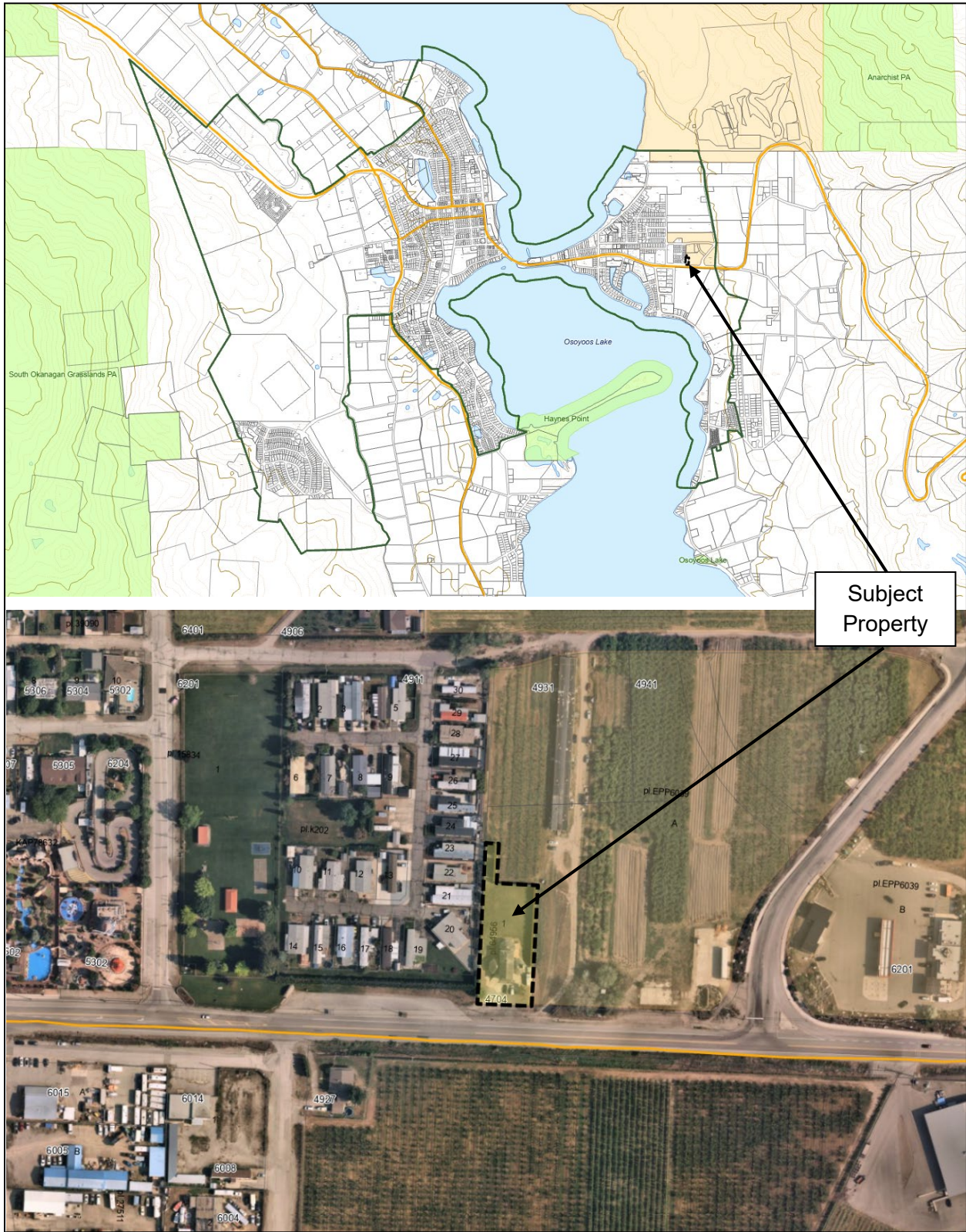
An internal referral was circulated to the Town's Building Inspector, Fire Department and Operational Services Department.

Additional consultation with external agencies would occur following Council's resolution to initiate the exclusion application.

Attachments:

1. Context Maps

Attachment No. 1 – Context Maps



Attachment No. 2 – Applicant's 3D Renderings

