



Agricultural Land Commission Staff Report

DATE: February 9, 2010
TO: Vice Chair and Commissioners - Okanagan Panel
FROM: Brandy Ridout

RE: Application # 50989
PROPOSAL: To exclude the 2.1 ha subject property from the ALR to develop it for village commercial and multifamily use.

PROPOSAL INFORMATION

Background: There is an extensive planning history on this property.
Received Date: November 6, 2009
Applicant: Glen & Laurie Bowman
Agent: D.E. Pilling & Associates Ltd - Dawn Williams
Local Government: District of Lake Country

DESCRIPTION OF LAND

PID: 009-625-402
Legal Description: Lot 1 District Lot 169 Osoyoos Division Yale District Plan 10040
Civic Address: 3118 Reimche Road
Area: 2.1 ha
ALR Area: 2.1 ha
Purchase Date: August 17, 1999
Owner: Glen & Laurie Bowman

Total Land Area: 2.1 ha
Total ALR Area: 2.1 ha
Current Land Use: Single family residence, garage & three sheds. Greenhouse operation 0.5 ha in size (all poly and steel and one garage for business use).

PROPOSAL DETAILS

Exclusion

| Area | Agricultural Capability | Agricultural Capability Source |
|------|----------------------------|-----------------------------------|
| 2.1 | Prime Dominant | BCLI |

Surrounding Land Uses:

North Single Family Residential
East Restaurant/Medical Housing Project/ Single Family Residential/Church
South Multi-Family Residential
West School Site (Vacant)

Official Community Plan

Bylaw Name: District of Lake Country OCP
Designation: Multi-family Village Neighbourhood & NVC
OCP Compliance: Yes

Zoning

Zoning Bylaw Name: District of Lake Country Bylaw No. 561 (2007)
Zoning Designation: A1-Agriculture 1
Minimum Lot Size: 3.8 ha
Zoning Compliance: No

RELEVANT APPLICATIONS

Application #: 36528

Applicant: Herbert & Dorothea Reimche

Proposal: To include 1 ha into the ALR to complete the conditions stipulated by Resolution #515/2000. The Commission excluded a 1.1 ha area east of Alexis Rd. subject to the inclusion of 1 ha west of Alexis Rd.

Decisions:

**Resolution
Number**

Decision Date
April 30, 2003

Decision Description

The Commission allowed the inclusion noting that it fulfilled the condition pertaining to Resolution # 515/2000 (which permitted the exclusion of 1 ha).

Application #: 15972

Applicant: Herbert & Dorothea Reimche

Proposal: Propose to exclude 1.1 ha for seniors housing, possible care home or apartments.

Decisions:

**Resolution
Number**

Decision Date
October 5, 2000

Decision Description

Refuse as submitted but would re-consider its decision if an inclusion application is submitted on the condition that Lot 4, Plan 4971, DL 169 be included into the ALR and consolidated with Lot 4, Plan 4971, DL 169.

Committee Recommendations

| Type | Recommendation | Description |
|---------------------------------|----------------|--|
| Planning Staff | Approve | District of Lake Country Development Services: Recommend approval subject to the following conditions: - 0.43 ha be dedicated for park purposes to the District of Lake Country. - A contribution towards pedestrian signalization at the Woodsdale Road and Bottom Wood Lake Road intersection be considered prior to future development of the property. And that it be recorded that the above resolution was supported for the following reasons: - Removal of these lands from the ALR will not have a direct negative impact on agriculture in the community. - Removal of these lands from the ALR will benefit the community by providing commercial and residential development opportunities in an existing urban area. - Removal of these lands from the ALR will benefit the community by providing additional parkland. |
| Board/Council | Approve | District of Lake Country Council: Forward with a recommendation for approval subject to the conditions outlined by staff. |
| Agricultural Advisory Committee | Approve | The AAC supports the removal of the property subject to the following conditions: - 0.43 ha be dedicated for park - The consideration be given to a safer crossing at Woodsdale Road and Bottom Wood Lake Road - That Council continue to compensate for the loss of agricultural lands by supporting the agricultural industry through municipal policies such as low farm property taxes, reduced agricultural water use rates, improving the availability of agricultural water, and implementing land use standards that reduce conflict between agricultural and non-agricultural properties. And that the AAC supports the application for the following reasons: - Removal of these lands from the ALR will benefit the greater community by providing commercial and residential development opportunities in an existing urban area. - Removal of these lands from the ALR will benefit the community by providing additional parkland. |

STAFF COMMENTS

- The applicants indicate that the exclusion is being proposed in accordance with the District of Lake Country's OCP.
- In 1996, the Commission passed Resolution #739/1996 stating that the ALC would be open to further discussion regarding the exclusion of this land, particularly in the context of an overall review of the needs of the community for facilities such as playfields. A commercial/multifamily designation of the property was not contemplated at that time. The 2009 draft OCP has come to the Commission for comment but the comments have not been incorporated into the document yet.
- The applicants indicate that they are looking for a larger property in the District of Lake Country that is reasonably level and has a good water source for the greenhouse operation to expand as the current

location leaves no opportunity for expansion or growth.

- Despite the fact that the property to the south was excluded from the ALR in 2000, it has not been developed for non-farm use. This would seem to indicate that the demand for development land is not high or that the landowner is not interested in developing the property for a non-farm use.
- There are lots outside the ALR that could be redeveloped to increase residential density in this area.
- The Commission allowed the exclusion of the 1 ha property that lies directly south of the subject property, subject to the inclusion of a 1 ha property west of the road. Although this swap has taken place (see 15972 & 36528), the 1 ha area that was included is still dedicated as commercial/multifamily in the draft 2009 OCP despite the Commission' s repeated insistence that it be designated agriculture.

ATTACHMENTS

- 50989 air photo.pdf
- 50989 OCP designation.pdf
- 50989 proposed development.pdf
- 50989 Lake Country report.pdf
- 50989 draft 2009 OCP excerpts.pdf
- 50989_AirphotoMap.pdf
- 50989_ContextMap20k.pdf
- 50989 ag cap.pdf

END OF REPORT

Signature

Date