

To: Her Worship Mayor McKortoff and Members of Council
From: Leah Curtis, Planning Technician
Date: February 14, 2023
Subject: Report 1 – ALR Exclusion Application – 3621 Lakeshore Drive (ALR 23-01)
Tracker No: AI-562

RECOMMENDATION:

1. a) That Agricultural Land Reserve Exclusion Application No. ALR 23-01 (ALC File: 67255) be accepted.
- b) That Council authorizes staff to proceed with the notification process which advises of Council's intention to consider Agricultural Land Reserve Exclusion Application ALR 23-01 (ALC File: 67255) at their March 14, 2023 Council meeting.

Director of Planning and Development Comments:

Reviewed.

CAO Comments:

Approved for Council consideration.

Executive Summary:

The purpose of this report is to request Council's acceptance of the attached exclusion application to the Agricultural Land Commission (ALC) for the release of the subject property from the Agricultural Land Reserve (ALR) in order to facilitate the subsequent rezoning and subdivision of the property. The subject property is located at 3621 Lakeshore Drive, as shown in Attachment 2.

Background:

Property Details

OWNER	Gordon and Phyllis Reinhold
APPLICANT	Gordon and Phyllis Reinhold
CIVIC ADDRESS	3621 Lakeshore Dr
LEGAL DESCRIPTION	Lot A, District Lot 100, SDYD, Plan KAP40584
OCP DESIGNATION	Low-Medium Density Residential
ZONING	R1 – Single Family Residential

The subject property is 0.223 ha (0.552 ac). Located on the property is a single-family home that was constructed in 1990. No agricultural uses have previously been located on the property. The property is bordered by an empty lot (the old pitch and putt golf course) to the north, single-family homes to the east and south, and Lakeshore Drive to the west with single-family homes and Osoyoos Lake across the road to the west.

The property is designated as Low-Medium Density Residential within the Town's OCP. The subject property is currently being serviced by Town water and sewer.

Should Council approve the ALR exclusion of the subject property, the property owner intends to move forward with the subdivision of his property into two small residential lots (Attachment 4); enabling one new residential lot to be created.

Official Community Plan Bylaw, No.1375

There is a total of 288 hectares of Agricultural Land Reserve (ALR) land in Osoyoos. This comprises of 12% of the Town's total land area. Most of Osoyoos' ALR lands are in active agricultural production to some degree or another, with a few exceptions such as the Osoyoos Golf and Country Club that is non-farm use allowed by the Agricultural Land Commission (ALC).

The Town's Growth Management approach with the OCP aims to protect the integrity of our agricultural land base, as new development is only encouraged in areas with access to existing servicing infrastructure.

Agricultural Land Reserve Exclusion Application Policy

The Town of Osoyoos is responsible for making applications to the ALC through their online portal, on the behalf of applicants looking to have their property excluded from the ALR. Exclusion applications may be considered by Council for ALC consideration for parcels that are agriculturally inactive and are connected to existing servicing infrastructure.

Rationale for Recommendation

Administration supports the applicant's proposal to exclude the property from the ALR. The subject property has not been previously used for agricultural purposes and has been designated as other than agricultural within the current and previous OCP.

Options / discussion

Option 1

- a) That Agricultural Land Reserve Exclusion Application No. ALR 23-01 (ALC File: 67255) be accepted.
- b) That Council authorizes staff to proceed with the notification process which advises of Council's intention to consider Agricultural Land Reserve Exclusion Application ALR 23-01 (ALC File: 67255) at their March 14, 2023 Council meeting.

Option 2

That Council rejects ALR Exclusion Application ALR 23-01 (ALC File: 67255) for 3621 Lakeshore Drive.

Staff are recommending Option 1.

Implications:

a) **Community**

To ensure the timely supply of land is available to support economic and community development goals.

b) **Organizational**

A Notice of Exclusion Application Sign was posted on the subject property on January 19, 2023 (Attachment 3). Notification of the Public Hearing will be mailed or otherwise delivered to properties within a 60-metre radius as per the Town's Land Use Procedure Bylaw following Council's acceptance of the ALR Exclusion Application.

c) **Budget**

There are no impacts to the budget associated with this report.

d) **Significant Dates**

Should Council accept the ALR Exclusion Application, staff are proposing a Public Hearing be held on March 14, 2023 (following the required notification process).

e) **Sustainability**

The release of the subject lands from the ALR would open up potential for infill residential development within an already serviced area and is in conformance with the Town's OCP policies.

Others Consulted:

Deputy Fire Chief Prevention/Operations

Attachments:

1. Applicant ALR Application Package
2. Site Location Map
3. Notice of Exclusion Application Sign
4. Proposed Subdivision Plan

Respectfully submitted,



Leah Curtis, Planning Technician



PAID

JAN 05 2023

ALC File
67255

PLANNING & DEVELOPMENT SERVICES
PO Box 3010, 8711 MAIN ST. OSOYOOS BC V0H 1V6
TEL: 495-6191 FAX: 495-2400

SCHEDULE "A2"
LAND USE PROCEDURES BYLAW 1235, 2007

ZONING AMENDMENT APPLICATION

Date: _____
Cheque No.: _____
Amount: _____
Received By: _____

CIVIC ADDRESS: 3621 Lakeshore Dr, Osoyoos BC, V0H 1V6
LEGAL DESCRIPTION: LOT A BLOCK _____ PLAN 40584 DISTRICT LOT 100

EXISTING ZONING:	PROPOSED ZONING:	OCP DESIGNATION:	OCP AMENDMENT: ☐ Yes ☐ No
EXISTING USE: <u>Residential</u>	PROPOSED USE: <u>Residential</u>	PROPOSED OCP DESIGNATION: (if applicable)	

APPLICATION MUST INCLUDE:

- ☐ CURRENT STATE OF TITLE CERTIFICATE OR A CURRENT TITLE SEARCH
- ☐ SITE PLANS - MUST INCLUDE: LEGAL DESCRIPTION, SCALE, EASEMENTS AND RIGHT OF WAYS, SETBACKS, EXISTING AND PROPOSED BUILDINGS, LOT AREA, NUMBERED PARKING STALLS, ROADS, VEHICLE AND PEDESTRIAN ACCESS
- ☐ PRELIMINARY ELEVATIONS AND FLOOR PLANS
- ☐ ANY ADDITIONAL TECHNICAL INFORMATION OR REPORTS THE TOWN MAY REQUIRE
- ☐ NON-REFUNDABLE APPLICATION FEES IN ACCORDANCE WITH SCHEDULE "B"

REGISTERED OWNER'S NAME: <u>Gordon & Phyllis Reinhold</u>		APPLICANT'S NAME: <u>Gordon & Phyllis Reinhold</u>	
ADDRESS: <u>3621 Lakeshore Dr</u>		ADDRESS: <u>Same</u>	
CITY: <u>Osoyoos</u>	PROVINCE: <u>BC</u>	POSTAL CODE: <u>V0H 1V6</u>	
TEL: <u>250-495-7971</u>	TEL:		
FAX:	FAX:		
EMAIL: <u>reinhold6@hotmail.com</u>	EMAIL:		

An application must be made either by the property owner or by an agent with the owner's written authorization.

Phyllis K Reinhold
Gordon Reinhold

SIGNATURE OF REGISTERED OWNER

Jan 3, 2023
DATE

Phyllis K Reinhold
Gordon Reinhold

SIGNATURE OF APPLICANT

Jan 3, 2023
DATE



- 2 -

ZONING AMENDMENT APPLICATION

PLANNING & DEVELOPMENT SERVICES

PO BOX 3010, 8711 MAIN ST. OSOYOOS BC V0H 1V0
TEL: 495-6191 FAX: 495-2400

- ☐ Text Amendment (if applicable)

Describe the Proposed Text Amendment: _____

1. Services currently existing or readily available to the property (check applicable boxes):

SERVICES	CURRENTLY EXISTING		READILY AVAILABLE*	
Road Access	☒ Yes	☐ No	☐ Yes	☐ No
Water Supply	☒ Yes	☐ No	☐ Yes	☐ No
Sewage Disposal	☒ Yes	☐ No	☐ Yes	☐ No
Hydro	☒ Yes	☐ No	☐ Yes	☐ No
Telephone	☒ Yes	☐ No	☐ Yes	☐ No

NOTE* Readily Available means existing service can be easily extended to the subject property.

2. Proposed water supply method Municipals - Existing

3. Proposed sewage disposal method ✓

4. Approximate commencement date of proposed project _____

5. Reasons and comments in support of the application (use separate sheet if necessary):

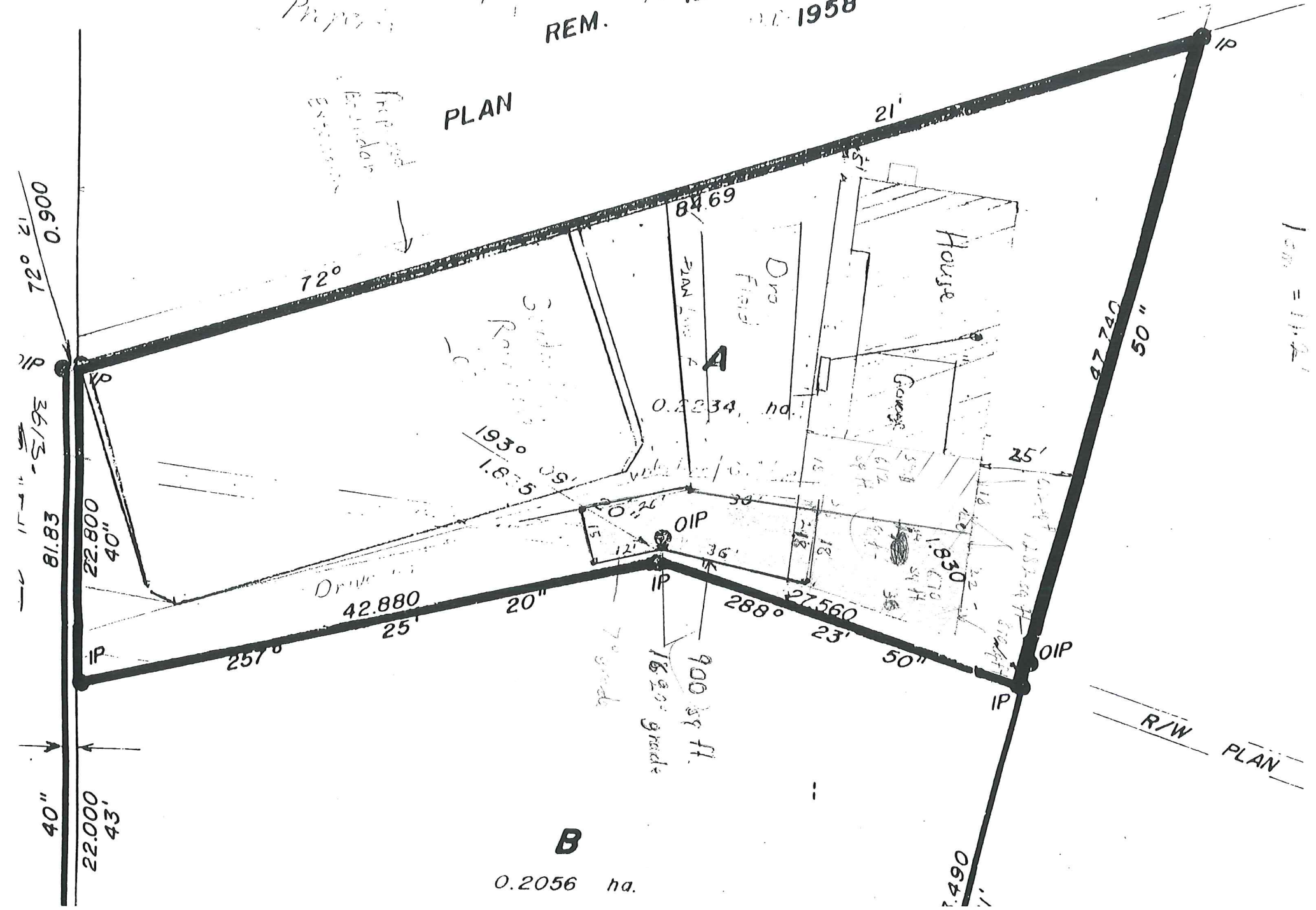
Remove property from ALC to provide for future subdivision

Contaminated Sites Regulation

Please note: The Town of Osoyoos does not receive site profiles. Applicants are required to submit contaminated site information directly to the Ministry of Environment to satisfy any Provincial requirements under the *Environmental Management Act*.

1958

PLAN



LAND TITLE OFFICE
STATE OF TITLE CERTIFICATE

Certificate Number: STSR3231169

Description of Land

Parcel Identifier: 012-758-531
Legal Description:
LOT A DISTRICT LOT 100 SIMILKAMEEN DIVISION YALE DISTRICT PLAN 40584

Legal Notations

THIS CERTIFICATE OF TITLE MAY BE AFFECTED BY THE AGRICULTURAL
LAND COMMISSION ACT, SEE PLAN M11063

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 29 OF THE MUNICIPAL
ACT (SEE DF KB4087)

HERETO IS ANNEXED EASEMENT KC2612 OVER LOT C PLAN 40584 PART ON PLAN
40586

Charges, Liens and Interests

Nature: COVENANT
Registration Number: KC2605
Registration Date and Time: 1989-01-10 11:49
Registered Owner: REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN
HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH
COLUMBIA
RE- PRESENTED BY THE MINISTRY OF ENVIRONMENT AND PARKS
INTER ALIA
SECTION 215 LTA

Remarks:

Duplicate Indefeasible Title

NONE OUTSTANDING

Transfers

NONE

Pending Applications

NONE

This certificate is to be read subject to the provisions of section 23(2) of the Land Title Act(R.S.B.C. 1996 Chapter 250) and may be affected by sections 50 and 55-58 of the Land Act (R.S.B.C. 1996 Chapter 245).

LAND TITLE OFFICE
STATE OF TITLE CERTIFICATE

Certificate Number: STSR3231169

File Reference: STC REINHOLD

GORDON PAUL REINHOLD
3621 LAKESHORE DRIVE
OSOYOOS BC V0H 1V6

000003

A copy of this State of Title Certificate held by the land title office can be viewed for a period of one year at <https://apps.ltsa.ca/cert> (access code 637598).

I certify this to be an accurate reproduction of title number **WX2149466** at 00:20 this 15th day of March, 2021.



REGISTRAR OF LAND TITLES

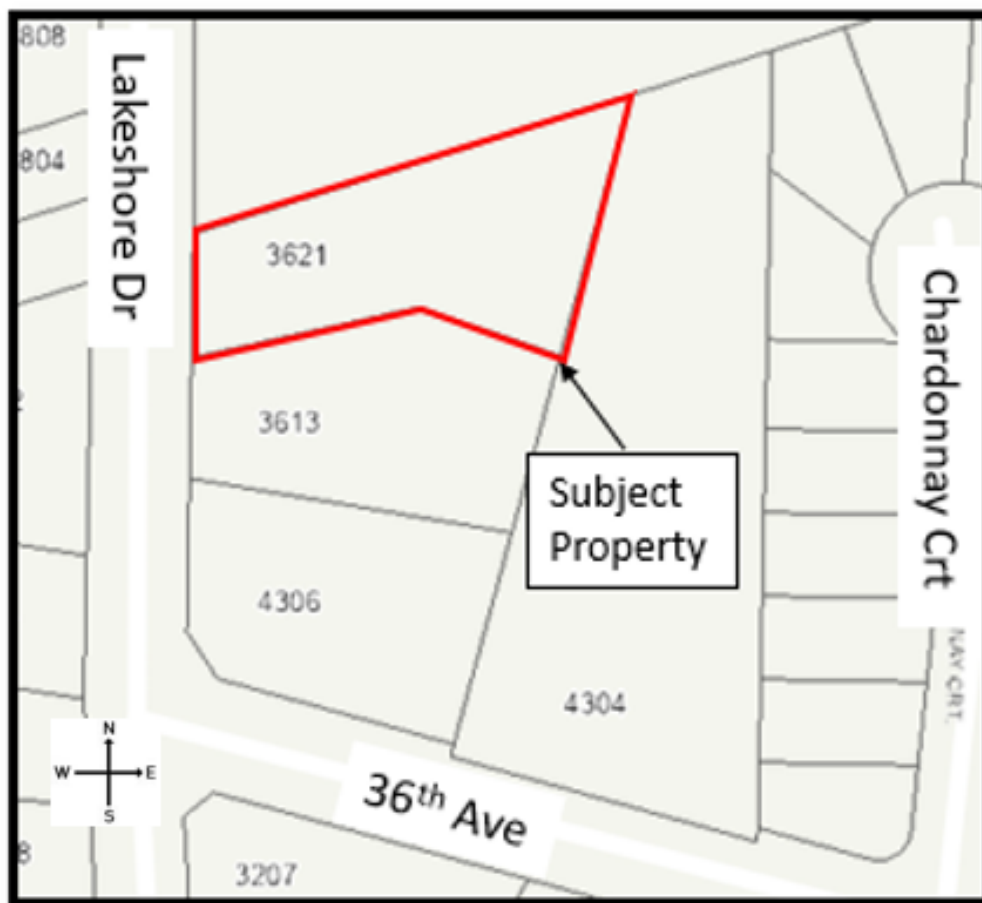


Land Title District Land Title Office	KAMLOOPS KAMLOOPS
Title Number From Title Number	WX2149466 KC93288
Application Received	2020-06-24
Application Entered	2020-07-06
Registered Owner in Fee Simple Registered Owner/Mailing Address:	GORDON PAUL REINHOLD, CHIROPRACTOR PHYLLIS KATHLEEN REINHOLD, HIS WIFE 3621 LAKESHORE DRIVE OSOYOOS, BC V0H 1V6 AS JOINT TENANTS
Taxation Authority	Osoyoos, Town of



PROPERTY LOCATION MAP
Agricultural Land Reserve Exclusion Application No. ALR 23-01

APPLICANT:	Gordon Reinhold and Phyllis Reinhold
PROPERTY OWNER:	Gordon Reinhold and Phyllis Reinhold
LEGAL DESCRIPTION:	Lot A, District Lot 100, SDYD, Plan KAP40584
CIVIC ADDRESS:	3621 Lakeshore Drive
APPLICATION DATE:	2023 01 05
ALC FILE:	67255





NOTICE OF EXCLUSION APPLICATION ALR 23-01
Regarding Land in the Agricultural Land Reserve

ALR Application ID: 67255

Applicant: Gordon Reinhold

Civic Address: 3621 Lakeshore Drive

Legal Description: Lot A, District Lot 100, SDYD, Plan KAP40584

PID: 012-758-531

Posting Date: January 2023

Proposal: To exclude 0.223 hectares (0.552 acres) from the Agricultural Land Reserve in order to subdivide the property into two lots.

Public Hearing

Date: Town of Osoyoos
Time: Planning and Development Services
Location: Council Chambers 250.495.6191 plan@osoyoos.ca
8707 Main St

Note: All correspondence received with respect to this application forms part of the public record and is disclosed to all parties, including the applicant.



PLAN NO. 40584

did REGISTER

KC-2506/88

SCALE : 1 : 500

25 0
E I I I
ALL DISTANCES ARE IN METRES

BEARINGS ARE ASTRONOMIC AND
DERIVED FROM PLAN 16522.

- OIP DENOTES OLD IRON PIN FOUND.
● IP DENOTES IRON PIN SET.

PLAN 5238

ROAD

PLAN 10996

PLAN 14492

THE REGISTERED OWNER DESIGNATED HEREON
HEREBY DECLARES THAT SHE HAS ENTERED
INTO A COVENANT UNDER SECTION 215, L.T.A.
IN FAVOUR OF THE PROVINCE OF BRITISH
COLUMBIA AS REPRESENTED BY THE
MINISTRY OF ENVIRONMENT AND PARKS.

Violet May Le Poidevin

WITNESS Raymond

Solanti
OCCUPATION OF WITNESS

212300 D. ... - JON JO
ADDRESS OF WITNESS

THE REGISTERED OWNER DESIGNATED HEREON
HEREBY DECLARES THAT SHE HAS ENTERED
IN A COVENANT UNDER SECTION 215, L.T.A.
IN FAVOUR OF THE PROVINCE OF BRITISH
COLUMBIA AS REPRESENTED BY THE
MINISTRY OF HEALTH.

APPROVED UNDER THE LAND TITLE ACT
THIS 23rd DAY OF December, 1988

REGIONAL APPROVING OFFICER FOR THE
MINISTRY OF TRANSPORTATION AND HIGHWAYS.

THIS PLAN LIES WITHIN THE OKANAGAN-SIMILKAMEEN REGIONAL DISTRICT.

INSPECTED THIS 4th DAY OF AUGUST 1988.

B.C.L.S.

I, RICHARD CLENNENING, A BRITISH COLUMBIA LAND SURVEYOR, OF THE TOWN OF OSOYOOS, IN BRITISH COLUMBIA, CERTIFY THAT I WAS PRESENT AT AND PERSONALLY SUPERINTENDED THE SURVEY REPRESENTED BY THIS PLAN AND THAT THE SURVEY AND PLAN ARE CORRECT. THE SURVEY WAS COMPLETED ON THE 6th. DAY OF AUGUST, 1907.

R. CLENDENNING C.L.S., B.C.L.S.
CLENDENNING & MATTHEWS
BOX 640
OSOYOOS, B.C.
VOH 1VO

FILE 8743