



AGRICULTURAL ADVISORY COMMITTEE REPORT

To: Agricultural Advisory Committee Members

Date: December 3, 2020

From: Jayden Riley, Planner II

File No: A 20-02

Subject: **A 20-02; Homesite Severance; 3536 Paynter Road**

BACKGROUND

This application is seeking a homesite severance of approximately 0.4 ha from a 2.6 ha parcel located within the Agricultural Land Reserve. The intent of the proposed homesite severance is to allow the owner to remain living in the household with the proceeds from the sale of the remainder property

PROPERTY DETAILS			
Address	3536 Paynter Road		
PID	004-290-020		
Folio	36413366.000		
Lot Size	26,227 sq. m.		
Owner	Florence Taneda	Agent	Nicole Kelly and Matthew Taneda
Current Zoning	Agricultural (A1)	Proposed Zoning	N/A
Current OCP	Agriculture	Proposed OCP	N/A
Current Use	Residential	Proposed Use	Residential / Agriculture
Development Permit Areas	Hillside		
Hazards	None		
Agricultural Land Reserve	Yes		

ADJACENT ZONING & LAND USES		
North	^	Single Detached Residential / Country Residential (RU1)
East	>	Agriculture (A1/ALR)
West	<	Agriculture (A1/ALR)
South	v	Agriculture (A1/ALR)

NEIGHBOURHOOD MAP



PROPERTY MAP



Legislative Requirements

Agricultural Land Commission Act

A homesite severance requires a subdivision application under S. 25 of the *Agricultural Land Commission Act*.

The following ALC guidelines apply to home site severance applications:

1. A once only severance may be permitted on the condition that evidence is provided stating the applicant has owned and occupied the property as their principal residence since December 21, 1972;
2. A homesite severance application has not previously been submitted for the subject property;
3. The applicant shows evidence of a legitimate intention to sell the remainder of the property upon subdivision;
4. The existing homesite may be created as a separate parcel where it is of a minimum size compatible with the character of the property;
5. The remainder parcel must be a suitable size and configuration that will constitute an agricultural parcel;
6. The homesite is not to be sold for five (5) years except in the case of death of the owner; and
7. Where homesite severance has been approved by the commission, local governments and Approving Officers are encouraged to handle the application under S.514 of the *Local Government Act* insofar as compliance with local bylaws is concerned.

Local Government Act

S.514 of the *Local Government Act* allows the Approving Officer to approve the subdivision of land that would otherwise be prevented from subdivision by a bylaw that establishes minimum parcel size on the condition that:

1. The person making the application has owned the parcel for at least 5 years;
2. The application is made for the purposes of providing a separate residence for the owner; and
3. The proposed subdivision is not a subdivision that an approving officer is prevented from approving, which would be the case under the following circumstances:
 - a) The parcel is classified as farm land for assessment and taxation purposes AND after the creation of the parcel subdivided for the purpose of providing a residence results in the remainder parcel to be less than 2 ha;
 - b) The parcel is not within the ALR and was created by subdivision under S. 514 of the LGA; or
 - c) The parcel is within the ALR and was subdivided within the previous five (5) years under S. 514 of the LGA.

The LGA permits the local government to establish the minimum size for a parcel that may be subdivided under S.514; however, S.514(6) states that any parcel created by subdivision must be at least 1 ha unless a smaller area, in no case less than 2,500 m², is approved by the medical health officer.

S.512 of the LGA also requires that a parcel being created by subdivision that fronts a highway must have a minimum frontage that is the greater of:

- a. 10% of the perimeter of the lot that fronts the highway; and
- b. The minimum frontage that the local government may, by bylaw, provide.

Based on the submitted preliminary layout (*Figure 1, Attachment 3*), the proposal does not meet frontage requirement at 34 m. According to S.512, the remainder lot would require a minimum 69 m frontage. Therefore, an exemption by the local government will be required.

DISCUSSION

The applicant has owned the property since 1967, prior to the establishment of the ALR. The applicant appears to meet the criteria for homesite severance with the exception of minimum parcel size, which can be exempted by the City's Approving Officer in accordance with S.514 of the *Local Government Act*, and lot frontage, which can be exempted by the local government.

The proposed subdivision (*Figure 1, Attachment 3*), at approximately 4,000 sq. m. is under the 1 ha minimum required under S.514 of the LGA; therefore, approval by the medical health officer or the purposes of confirming adequate septic field area.

Applicant Rationale

The applicant currently lives within the single detached dwelling located on the parcel. Their rationale for subdivision is to be able to continue to live in the parcel with the proceeds of the sale of the remainder lot, which is currently not being used for agricultural purposes.



Figure 1: Preliminary Layout

Policy and Bylaw Review

Official Community Plan

The subject property has a land use designation of Agriculture. This land use designation is intended to support the community's agricultural heritage and foster a local food system

for greater self-sufficiency, economic development and local food security. Agricultural policies set out in the Official Community Plan include discouraging the proliferation of non-farm residential development or use, except as provided for by the Homesite Severance Policy within the ALR.

Zoning Bylaw No. 0154

The subject property is zoned Agriculture (A1). Subdivision under the homesite severance provision does not require rezoning based on S.514 of the *Local Government Act*, although subdivision would be creating two (2) parcels that would not conform to the subdivision requirements of the A1 Zone, being that minimum parcel size is 4 ha.

Referrals

This application was referred to internal and external agencies. Comments received are related to future subdivision and servicing that would be anticipated should the applicant receive approval from the ALC.

Conclusion

Should Council authorize the homesite severance application to proceed to the ALC, the applicant will be required to apply for subdivision with the City in accordance with any conditions that may be applied by the City and ALC, subject to ALC approval.

KEY CONSIDERATIONS

Specific comments would be appreciated should the AAC have any concerns with the proposal so that they may be further investigated or considered prior to staff providing a recommendation to Council as part of consideration of the application.

Respectfully submitted,

Jayden Riley
Planner II

Powerpoint: Yes No

Attachments:

1. ALC Application
2. Letter of Rationale
3. Proposed Subdivision