



BOARD REPORT

TO: Chair and Directors

File No: LC2561E
PL20190015

SUBJECT: Electoral Area E: Agricultural Land Commission (ALC) Application Section 21 (2) – Subdivision LC2561E (Canadian Pacific Railway)

DESCRIPTION: Report from Laura Gibson, Planner I, dated May 2, 2019. 2048 Solsqua Road, Cambie Solsqua

RECOMMENDATION #1: THAT: Application LC2561E, Lot 1, Sections 16 and 17, Township 22, Range 7, West of the 6th Meridian, Kamloops Division Yale District, Plan NEP61793 Except Plan EPP81765, be forwarded to the Agricultural Land Commission recommending approval this 16th day of May, 2019.

SHORT SUMMARY:

The subject property is located northeast of Sicamous in the Cambie Solsqua area and is owned by Canadian Pacific Railway Co. (CPR). The subject property is bisected by the newly constructed Jessop Road, which connects Solsqua Road and the Trans-Canada Highway. CPR, Ministry of Transportation and Infrastructure (MOTI), and the adjacent landowners to the south (Christian and Melanie Dewitt) have come to an agreement to: (1) Transfer the portion of the parcel north of the connector road (1.5 ha) to MOTI, who will subsequently transfer the land to the Ministry of Environment for protection of the sensitive area, and (2) consolidate the portion of the parcel south of the connector road (2.1 ha) with the Dewitt’s parcel.

VOTING: Unweighted LGA Part 14 Weighted Stakeholder
Corporate (Unweighted) Corporate (*Weighted*)

BACKGROUND:

REGISTERED OWNER:
Canadian Pacific Railway Company, Inc. No. 4339100

AGENT: Ministry of Transportation and Infrastructure

ELECTORAL AREA:
E

LEGAL DESCRIPTION:
Lot 1, Sections 16 and 17, Township 22, Range 7, West of the 6th Meridian, Kamloops Division Yale District, Plan NEP61793 Except Plan EPP81765

PID:
024-167-258

CIVIC ADDRESS:
2048 Solsqua Road

SURROUNDING LAND USE PATTERN:

North = Oxbow lake/slough (crown land), Agriculture, ALR

South = Dairy farm/hay production, Agriculture, ALR

East = Trans-Canada Highway, Agriculture, ALR

West = Canadian Pacific Railway and Solsqua Road, Agriculture, ALR

CURRENT USE:

Vacant, no agricultural activities currently taking place on the parcel.

PROPOSED USE:

The section of the subject property north of Jessop Road is to be transferred to MOTI, who will subsequently transfer the land to the Ministry of Environment to allow for protection of the sensitive area next to the slough. The section of the subject property south of Jessop Road is to be consolidated with the Dewitt family dairy farm and used for agricultural activities.

PARCEL SIZE:

3.6 ha

PROPOSED PARCEL SIZES:

1.5 ha (to be transferred to the province)

2.1 ha to be transferred to the Dewitt family)

DESIGNATION/ZONE:

A – Agriculture

PROPOSED DESIGNATION/ZONE:

A - Agriculture

AGRICULTURAL LAND RESERVE:

100%

SOIL CAPABILITY:

According to the Canada Land Inventory mapping, the subject property contains 50% Class 3 soils, 40% Class 4 soils, and 10% Class 5 soils, all with excess water and inundation by streams or lakes as limiting factors. None of these soils are indicated as improvable.

HISTORY:

ALC File No. 1127 (1976) – ALC approved an application for a 2 lot subdivision, to separate 0.4 ha (1 acre) with a house from remaining farmland. The CSRD Board recommended approval for this application.

ALC File No. 56340 (2017) – ALC approved a transportation corridor through the subject property. This application did not require local government (CSRD) review.

SITE COMMENTS:

The subject property is located between the adjacent Solsqua Road and the Canadian Pacific Railway and the Trans-Canada Highway. A slough is located to the north, and the Eagle River is to the southwest.

The property is bisected by Jessop Road, which connects Solsqua Road to the Trans-Canada Highway. There are no slopes on the property. The parcel is currently vacant with no agricultural activity taking place.

ALC APPLICATION INFORMATION (completed by applicant/agent, indicated in *italics*):

"1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

The parcel is vacant and there are no agricultural activities currently taking place on the parcel.

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

The parcel is cleared and mostly leveled but no agricultural improvements or crops currently exist on the parcel.

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

There are no non-agricultural activities on this property. The property is bisected by the new Solsqua Road Connector, as shown on Plan EPP81765.

Adjacent Land Uses

North

Land Use Type: Other

Specify Activity: Slough (Crown land); north of the slough is a wood shingle mill

East

Land Use Type: Transportation/Utilities

Specify Activity: Trans-Canada Highway #1

South

Land Use Type: Agricultural/Farm

Specify Activity: Dairy farm/hay production

West

Land Use Type: Transportation/Utilities

Specify Activity: Canadian Pacific Railway and Solsqua Road Proposal

1. Enter the total number of lots proposed for your property.

1.5 ha

2.1 ha

2. What is the purpose of the proposal?

MOTI previously submitted an application (56340) to allow for the construction of a new connector road from Solsqua Road to the Trans-Canada Highway through the subject parcel (ALC Decision Resolution #390-2017). As a result, the subject parcel is now bisected by this new road. CPR, MOTI, and the adjacent landowner (Christian & Melanie Dewitt) have come to an agreement to:

(1) Transfer the portion of the parcel to the north of the connector road (1.45 ha) to MOTI. The area to be transferred to MOTI has been defined pursuant to Section 99(1)(h)(i) of the Land Title Act and is shown on the attached plan EPP81766. This transfer will not require formal subdivision approval through the Provincial Approving Officer.

(2) Consolidate the portion of the parcel south of the connector road (2.10 ha) and the closed road known as McKreacher Road (0.254 ha) with the Dewitt's parcel. This consolidation is shown on the attached plan EPP81768.

3. Why do you believe this parcel is suitable for subdivision?

The parcel is currently bisected by the Solsqua Road connector, and utility of the lands to the north is limited due to its small size, irregular shape, and riparian regulations relating to the slough/oxbow. Transferring these lands to MOTI (who will subsequently transfer these lands to the Ministry of Environment) will allow for the protection of these sensitive lands. Consolidating the lands to the south of the connector road with the adjacent parcel owned by the Dewitt's will improve the agricultural capability and capacity of their dairy farm and hay production.

4. Does the proposal support agriculture in the short or long term? Please explain.

This proposal supports agriculture in both the short and long term. The northern lands, to be transferred to the provincial government (MOTI and subsequently the Ministry of Environment) will ensure the long-term protection of these sensitive lands which have very limited agricultural capability. The consolidation of the southern lands with the adjacent Dewitt property will result in an additional 2.35 ha of property for the Dewitt's which can be brought into agricultural production.

5. Are you applying for subdivision pursuant to the ALC Homesite Severance Policy? If yes, please submit proof of property ownership prior to December 21, 1972 and proof of continued occupancy in the "Upload Attachments" section.

No"

POLICY:

Rural Sicamous Land Use Bylaw No. 2000 (Bylaw No. 2000)

Section 1.4.1

To designate the majority of the land in the Agricultural Land Reserve as Agriculture so that it may be reserved for and developed primarily for agriculture and so that agriculture uses are protected against incompatible uses. Lands not in the Agricultural Land Reserve may also be designated as Agriculture where they have potential for agriculture, are used for agriculture or would buffer agriculture uses from existing or potential incompatible uses.

Section 2.3.8

Minimum parcel size for subdivision exceptions:

(2) The minimum parcel size regulations for subdivisions stated in sections 2.5 to 2.21, do not apply if all the requirements of this subsection are met:

- (a) the parcel proposed to be subdivided existed June 19th, 1986;
- (b) the subdivision occurs along a highway that is constructed to the Ministry of Transportation and Highway's standards;
- (c) the subdivision is limited to a parcel that is split by a highway;
- (d) the minimum parcel size of each proposed parcel created by subdivision is 4,000 m² (0.99 ac.); and
- (e) each parcel created must consist of the entire area isolated by the highway. This exception does not apply to a parcel shown on a reference, explanatory or subdivision plan deposited in the Land Title Office after December 31, 1995.

Section 2.6

A - Agriculture Zone

Permitted Uses: agriculture, bed and breakfast, farm and garden center, home business, kennel, open air display gardens, single family dwelling, accessory use

Maximum number of single family dwellings:

- On a parcel less than 1 ha: 1
- On a parcel 1 ha or larger: 2

Minimum parcel size created by subdivision: 60 ha

FINANCIAL:

There are no financial implications to the CSRD as a result of this application.

KEY ISSUES/CONCEPTS:

MOTI is applying on behalf of CPR to subdivide the subject parcel along Jessop Road. MOTI states in the application that the north parcel adjacent to the slough has limited agricultural capability and will be transferred to MOTI, who will then transfer the land to the Ministry of Environment, to ensure long term protection of the sensitive riparian area. The south portion of the subject property is proposed to be consolidated with the Dewitt family's property to the south and used for agriculture in conjunction with the existing dairy farm.

The subject property has soils ranging from Class 3 to Class 5, which are limited by excess water and inundation by streams or lakes and which are not improvable. The 1.5 ha portion of the subject property next to the slough, to be transferred to MOTI, may be the most water saturated and therefore least capable of supporting agriculture. The remaining 2.1 ha of the subject property, as well as the unconstructed McKreacher Road which runs through it, will be used for farming activities after the subdivision.

SUMMARY:

MOTI is applying on behalf of CPR to subdivide the subject parcel along Jessop Road, creating a 1.5 ha parcel which will be transferred to the province for protection of the sensitive lands and a 2.1 ha parcel which will be consolidated with the Dewitt family's dairy farm to the south.

Staff recommends approval of the application for the following reasons:

- The portion of land proposed to be transferred to the province is likely not capable of supporting agriculture due to excess water in the soil;
- The proposal will increase agricultural activity on the portion of the property south of Jessop Road, which currently has no agricultural activity but will be incorporated into the Dewitt family dairy farm and hay production activities if the application is approved;
- Bylaw No. 2000 allows for subdivision of the property along Jessop Road, as proposed.

IMPLEMENTATION:

The applicant has indicated that if the ALC allows the subdivision, no formal subdivision approval through a Provincial Approving Officer is required.

COMMUNICATIONS:

The recommendation of the Board will be forwarded to the ALC for consideration during its review of the application.

DESIRED OUTCOMES:

That the Board endorse staff recommendation.

BOARD'S OPTIONS:

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

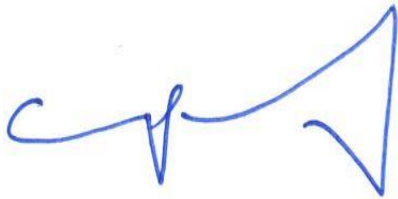
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Rural Sicamous Land Use Bylaw No. 2000
2. ALC Act and Regulations

Report Approval Details

Document Title:	2019-05-16_Board_DS_LC2561_CPR.docx
Attachments:	- Maps_Plans_Photos_LC2561E.pdf
Final Approval Date:	May 3, 2019

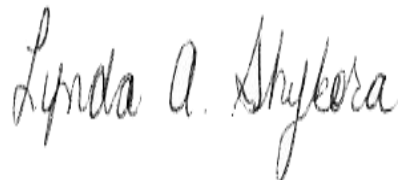
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - May 2, 2019 - 9:46 AM



Gerald Christie - May 2, 2019 - 2:44 PM



Lynda Shykora - May 3, 2019 - 1:29 PM



Charles Hamilton - May 3, 2019 - 1:33 PM