



BOARD REPORT

TO: Chair and Directors

File No: LC2564C
PL20190046

SUBJECT: Electoral Area C: Agricultural Land Commission (ALC) Application Section 20(3) – Non-Farm Use in the Agricultural Land Reserve (ALR) LC2564C (O'Brien)

DESCRIPTION: Report from Erica Hartling, Planner I, dated April 29, 2019. 2149, 2165, and 2181 Wuori Road, Carlin.

RECOMMENDATION: THAT: Application No. LC2564C, Section 20(3) Non-farm use in the ALR for the North West ¼, Section 4, Township 22, Range 10, West of the 6th Meridian, Kamloops Division Yale District, except the south east 10 acres and Plans H716, H9970 and KAP66486 be forwarded to the Provincial Agricultural Land Commission recommending approval, on this 16th day of May 2019.

SHORT SUMMARY:

The subject property is located at 2149, 2165, and 2181 Wuori Road in-between the Balmoral and Carlin areas of Electoral Area C. The property owners are applying to the Agricultural Land Commission (ALC) for non-farm use in the Agricultural Land Reserve (ALR) for a third residence to be used as their primary dwelling. There are currently four single family dwellings on the property. Three of the dwellings predate the ALC and are the original farmhouses built in the 1950s and 1960s. The fourth dwelling was constructed in 2018 to replace the older primary dwelling. The property owners are currently in the process of removing the older primary dwelling, creating a total of three dwellings on the subject property.

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

BACKGROUND:

REGISTERED OWNER(S):
Geoffrey and Heather O'Brien

APPLICANT:
Heather O'Brien

ELECTORAL AREA:
C

LEGAL DESCRIPTION:
The North West ¼, Section 4, Township 22, Range 10, West of the 6th Meridian, Kamloops Division Yale District, except the south east 10 acres and Plans H716, H9970 and KAP66486.

PID:

014-266-865

CIVIC ADDRESS:

- 2149 Wuori Road
- 2165 Wuori Road
- 2181 Wuori Road

SURROUNDING LAND USE PATTERN:

North = Agricultural

South = Trans-Canada HWY, Agricultural, Mossy Lake

East = Agricultural

West = Agricultural

CURRENT USE:

- 40-cow dairy operation;
- 85 acres used for corn and alfalfa crops;
- 53 acres used for pasture; and,
- 2 acres that contain farm buildings, equipment/feed/manure storage, and the 4 dwellings (3 predate 1960s and 1 built in 2018).

PROPOSED USE:

No change to the farm operation. The proposal is to allow the dwelling built in 2018 to remain on the property to replace the existing principal residence.

PARCEL SIZE:

54.12 ha (133.73 acres)

DESIGNATION:

Electoral Area C Official Community Plan Bylaw No. 725

AG – Agriculture

ZONE:

N/A – No Zoning Bylaw

AGRICULTURAL LAND RESERVE:

100%

SOIL CAPABILITY:

See the Soils Map in the attached "Maps_Plans_Photos_LC2564C.pdf".

According to the Canada Land Inventory mapping, the property is split by varying class soils, ranging from Class 2 – Class 5. The soils in the area where the non-farm use is proposed are 70% Class 5 soils with topography as a limiting factor and 30% Class 4 with moisture and topography as limiting factors. The soils are improvable to 60% Class 5 and 40% Class 3, with the same limiting factors previously noted.

HISTORY:

See the ALR/History Map in the attached "Maps_Plans_Photos_LC2564C.pdf".

There have been various ALC applications made in the general Balmoral and Carlin area and the following applications are in close proximity or adjacent to the subject property:

- #1436 (1978) was approved by the ALC for a two lot subdivision into a 1 acre and a 32 acre parcel. This application was for a property directly west and adjacent to the subject property.
- #1590-C, 1591-C, and 1592-C (1979) were all approved by the ALC for an exclusion from the ALR. These applications were for three properties to the north of the subject property.
- #1625-C (1979) was approved by the ALC for an exclusion of 33 acres and an inclusion of a tree pasture area along Hendrickson Road. #1625a-C (1980) was approved by the ALC for an amendment to #1625-C to include additional land into the ALR (approx. 20 acres). These two applications were for a property to the northwest of the subject property.
- #1660 (1980) was refused by the ALC for permission to subdivide a 0.4 ha lot from a 2.14 ha property across the highway and southeast of the subject property.

SITE COMMENTS:

See the Site Plan and Photos in the attached "Maps_Plans_Photos_LC2564C.pdf".

A site visit was not done for this application. Information provided in this report is based on orthophoto interpretation and information and photos provided by the applicant. The property has access off of Wuori Road from White Creek Frontage Road off of the Trans-Canada Highway. The property is split by the highway and has Mossy Lake in the southwest corner of the lot. A creek runs through the neighbouring property to the northeast and the majority of the neighbouring properties all have agricultural uses and are within the ALR. The subject property is 100% in the ALR and currently has a 40-cow dairy operation, 85 acres of corn/alfalfa crops, 53 acres of pasture, sections of swampy or sloped land, and 2 acres containing the farm buildings, equipment/feed/manure storage, and dwellings.

There are currently four single family dwellings on the property. Three of the dwellings predate the ALC (built in the 1950s and 1960s) and are the original farmhouses. The fourth dwelling was constructed in 2018 to replace the older primary dwelling. The property owners have confirmed they are currently in the process of removing the older primary dwelling and it will be removed no later than this spring 2019.

POLICY:

Electoral Area C Official Community Plan Bylaw No. 725

See the following OCP Policies in the attached "BL725_Excerpts_LC2564C.pdf".

- Section 3. Growing Gradually and Wisely
- Section 3.10 Agriculture (AG)
- Section 12.1 Hazardous Lands Development Permit Area (Steep Slope)

Development Services staff became aware of the dwelling constructed in 2018 upon the owner's request for a new house number. Staff informed the owner that in addition to the ALC regulations, a Steep Slope Development Permit is required due to slopes on the property in excess of 30%. Staff have received an application for the Steep Slope Development Permit (Development Permit No. 725-180) and approval of these technical development permits has been delegated to the Manager of Development Services for review and issuance.

FINANCIAL:

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

KEY ISSUES/CONCEPTS:

See "Maps_Plans_Photos_LC2564C.pdf" attached.

The proposal is to allow the dwelling built in 2018 to remain on the property to replace the existing principal residence, keeping with and continuing the historic density of three dwellings on the subject property.

The original farmhouses were built in the 1950s and 1960s for the property owners and family members living on the farm at the time. The farm has now been passed down to the current owners who are the third generation of the family to farm the property. Two of the homes are no longer used by family members but have been rented out and the applicant has noted that the size of the owners' dairy farm means that they will not ever likely need a full-time farm hand. The current renters have been living on the farm for 9 years and 3+ years. The renters are seniors and the applicant feels that it would be very challenging for them to find another rental space in this area within the same price range. The applicant is requesting that the ALC allow them to keep the additional dwellings and allow the renters to stay (total of three dwellings).

The property is not subject to a CSRD zoning bylaw and will not require a rezoning application to allow for the third dwelling. The property is designated AG – Agriculture within the OCP, which does not specify or restrict the density of dwellings on lands designated AG. The OCP policy 3.1.2.4, outlines that outside the Village Centre and Secondary Settlement Areas, new residential development is generally discouraged unless co-located with an agricultural use. The subject property is outside these designated settlement areas but the dominant land use is agriculture and the 54.12 ha parcel currently has farm status. The subject residential development is localized to an area with several existing farm buildings and Class 5 soils (topography and moisture as limiting factors) and should not negatively impact the property's current agricultural production. Additionally, the proposed density of three dwellings has been in place since the 1960s and does not appear to intrude or conflict with existing agricultural operations and neighbouring properties.

SUMMARY:

Development Services staff is recommending approval of application LC2564C for Non-Farm Use in the ALR for the following reasons:

- The residential development is co-located with an agricultural use (OCP policy 3.1.2.4);
- Agriculture is the primary land use on the property and the proposal is localized to an area with existing buildings and uses that will not negatively impact the current agricultural production; and,
- The proposed single family dwelling density has been in place since the 1960s and does not appear to intrude or conflict with existing agricultural operations and neighbouring properties.

IMPLEMENTATION:

If the ALC approves this application, the property owners will be able to maintain the use and density of three dwellings and CSRD Development Services staff will process Development Permit No. 725-180.

COMMUNICATIONS:

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

Referrals have been sent to the following:

- Electoral Area C Advisory Planning Commission (APC).

The APC reviewed the application at their April 29, 2019 meeting and passed a resolution in support of the application. The APC notes that the property has a small but working dairy farm and the older homes pre date the ALC regulations. With the age of the operation and the ongoing efforts to conform, the APC feels like this application should get all the support possible.

DESIRED OUTCOMES:

That the Board endorse the staff recommendation.

BOARD'S OPTIONS:

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

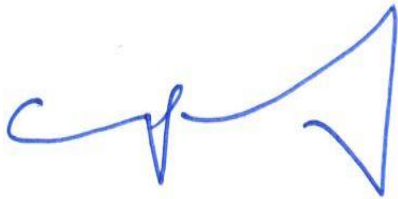
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. South Shuswap Zoning Bylaw No. 701
2. Electoral Area C Official Community Plan Bylaw No. 725
3. Electoral Area C Advisory Planning Commission Minutes April 29, 2019

Report Approval Details

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|----------------------|-----------------------------------------------------------------|
| Document Title: | 2019-05-16_Board_DS_LC2564C_O'Brien.docx |
| Attachments: | - BL725_Excerpts_LC2564C.pdf - Maps_Plans_Photos_LC2564C.pdf |
| Final Approval Date: | May 6, 2019 |

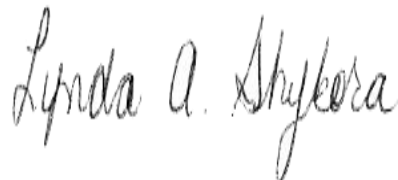
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - May 3, 2019 - 11:22 AM



Gerald Christie - May 3, 2019 - 1:26 PM



Lynda Shykora - May 6, 2019 - 11:40 AM



Charles Hamilton - May 6, 2019 - 2:23 PM