



# BOARD REPORT

**TO:**

**Chair and Directors**

<b>File No:</b>	LC2538 LC2539 MP20170132
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**SUBJECT:**

Electoral Area D: Agricultural Land Commission (ALC) Application  
Section 21(2) - Subdivision and Section 17(3) - Inclusion

**DESCRIPTION:**

Report from Jennifer Sham, Planner, dated August 28, 2017.  
2972 & 3020 Yankee Flats Road, Yankee Flats

**RECOMMENDATION  
#1:**

THAT: Application No. LC2538D, Section 21(2) Subdivision for Parcel A (DD V44313) of the Northwest ¼ of Section 6 Township 18 Range 10 West of the 6<sup>th</sup> Meridian Kamloops Division Yale District, be forwarded to the Provincial Agricultural Land Commission recommending approval on this 21<sup>st</sup> day of September, 2017.

**RECOMMENDATION  
#2:**

THAT: Application No. LC2539D, Section 17(3) Inclusion of a portion of Parcel A (DD V44313) of the Northwest ¼ of Section 6 Township 18 Range 10 West of the 6<sup>th</sup> Meridian Kamloops Division Yale District, be forwarded to the Provincial Agricultural Land Commission recommending approval on this 21<sup>st</sup> day of September, 2017.

## SHORT SUMMARY:

The applicants are applying to subdivide the ~63.99 ha property, located at 2972 & 3020 Yankee Flats Road in Electoral Area D, into two parcels of approximately 10 ha and a remainder of 53.99 ha. Further, if the ALC approves the subdivision, the applicants would like to include approximately 4.42 ha of the property into the Agricultural Land Reserve (ALR).

**VOTING:**

Unweighted  
Corporate ☒

LGA Part 14 ☐  
(Unweighted)

Weighted ☐  
Corporate

Stakeholder ☐  
(Weighted)

## BACKGROUND:

REGISTERED OWNER(S):  
Jessica Walters and Trena Scott

AGENT:  
R.G. Holtby

ELECTORAL AREA:  
D

LEGAL DESCRIPTION:  
Parcel A (DD V44313) of the Northwest ¼ of Section 6 Township 18 Range 10 West of the 6<sup>th</sup> Meridian Kamloops Division Yale District

CIVIC ADDRESS:  
2972 & 3020 Yankee Flats Road, Yankee Flats

**SURROUNDING LAND USE PATTERN:**

North = Agriculture

South = Rural Residential, Crown Land

East = Agriculture

West = Crown Land

**CURRENT USE:**

Hobby Farm

**PROPOSED USE:**

Hobby Farms

**PARCEL SIZE:**

~63.99 ha

**PROPOSED PARCEL SIZES:**

~53.99 ha and ~10 ha

**DESIGNATION & ZONE:**

Salmon Valley Land Use Bylaw No. 2500

R Rural

**AGRICULTURAL LAND RESERVE:**

20%

**SOILS CAPABILITY:**

See "Holtby\_report\_2017-05-04\_LC2538.pdf" attached.

Canada Land Inventory Soil mapping indicates that 80% of the property contains Class 6 with topography and consolidated bedrock as limiting factors.

The soils are unimprovable.

Approximately 20% of the subject property is Class 5 with moisture limitations and topography.

The soils are improvable to 60% Class 4 with topography and stoniness and 40% Class 5 topography and moisture limitations.

**HISTORY:**

See "Maps\_Plans\_Photos\_LC2538.pdf" attached.

- 1638 (1980) allowed five lot subdivision of 17.5 ac, 3.6 ac, 39 ac, 85 ac and 120 ac. (1981) refused a road dedication because it splits the farm in half.
- LC2252 (2000) ALC allowed a 0.48 ha subdivision for a homesite.
- LC2358 (2007) ALC refused a subdivision of a 8 ha lot from the 64 ha parcel. Although the two fields are separated, the Commission believed that the property could be operated as a single unit. Further, the proposal would have a negative impact on agriculture. (2008) reconsideration refused.
- LC2438 (2011) approved a 2 lot subdivision.

- LC2479 (2015) refused a 2 lot subdivision because the ALC "does not believe the road is a significant impediment to utilization of the property as a whole" and that the proposed subdivision would not be consistent with Section 6 of the ALC Act. (Subject Property).

**SITE COMMENTS:**

See "Maps\_Plans\_Photos\_LC2538.pdf" attached.

A site visit was conducted on July 7, 2017. There was a single family dwelling (3020 Yankee Flats Road) and a manufactured home (2972 Yankee Flats Road) on the property, both on the west side of Yankee Flats Road. The proposed remainder parcel consists of rolling hills that slope upwards towards Crown lands to the west. There were chickens and goats on the property, and the neighbour to the south has a horse. The proposed lot is separated from the parent parcel by Yankee Flats Road.

**POLICY:**

Salmon Valley Land Use Bylaw No. 2500 (Bylaw No. 2500)

**Part 2.2.5****Agricultural Land Reserve (ALR)**

In addition to the regulations established in this Bylaw, all lands within the Agricultural Land Reserve are also subject to the provisions of the Agricultural Land Commission (ALC) Act, regulations and orders of the ALC (thereby not permitting the subdivision of land or the development of non-farm uses unless approved by the ALC).

**Part 2.2.5.1****Additional Residences within the ALR**

Any properties located within the ALR and in land use zones that permit two single family dwellings must have the approval of the ALC, prior to establishing the second residence.

In the event that the farm requires more than two single family dwellings on the property, either issuance of a Temporary Use Permit or a successful rezoning is required, after approval from the ALC is received.

**Part 2.2.13.4****Minimum Parcel Area Exceptions**

Where a portion of the parcel is physically separated from the remainder of the parcel by a highway or other titled land provided that:

- no parcel created in the R or RH zone is less than 4000 m<sup>2</sup> in area;
- the subdivision is restricted to dividing the parcel along the highway or other titled land that physically separates the parcel;
- this exception shall not include areas marked "Return to Crown" as indicated on the registered plan; and,
- 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.

**R Rural**

Permitted uses: agriculture; airfield, airstrip; equestrian centre; fish farm; forestry; guest ranch; gun club and archery range; harvesting wild crops; home occupation; kennel; portable sawmill; single family dwelling; trapping; accessory use.

Maximum number of single family dwellings per parcel:

On a parcel with less than 2 ha in area = 1

On a parcel with 2 ha or more in area = 2

Minimum area of parcels to be created by subdivision = 60 ha

### **FINANCIAL:**

There are no financial implications to the CSRD with regard to this application.

### **KEY ISSUES/CONCEPTS:**

Prior to their passing, James and Trena Scott applied to subdivide the property into two lots (LC2479), divided by Yankee Flats Road. CSRD staff and the Board recommended approval of this application. The ALC refused the application in 2015 and stated that "it does not believe the road is a significant impediment to the utilization of the property as a whole; and that the proposed subdivision would not be consistent with section 6 of the ALCA." Section 6 states that the purposes of the commission are to: preserve agricultural land; encourage farming on agricultural land in collaboration with other communities of interest; and, encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

Trena Scott passed away in October, 2015 (James Scott predeceased her), and the administration of her estate was granted to her daughter Lindsay Hall. Ms. Hall lives in the manufactured home located on the west side of road at 2972 Yankee Flats Road. Their other daughter, Jessica Walters, moved into the home at 3020 Yankee Flats Road, also on the west side of Yankee Flats Road. Both homes are located on the proposed remainder lot, with the manufactured home outside of the ALR, and the other home (3020 Yankee Flats Road) within the ALR. See "Maps\_Plans\_Photos.pdf" attached. Their son owns and farms the 160 ha lot to the east of the subject property.

The current application (LC2538) and the previous application (LC2479) both proposed a 2 lot subdivision, divided by Yankee Flats Road, but with the change in ownership, the applicant has indicated that there is a desire to develop hobby farms on both sides of Yankee Flats Road. Further, the applicant has applied for an inclusion (LC2539) of approximately 4.4 ha of land into the ALR along either side of Yankee Flats Road: 2 ha west of the road, and 2.4 ha east of the road, contingent on the ALC approving the subdivision.

Having been on site during the previous application (LC2479), staff confirm that at the site visit for this application, a significant amount of the salvage and old farming equipment has been removed from the property; however, staff note that most of the developed portion of property is not within the ALR. It appears the owners at 3020 Yankee Flats Road have also started a hobby farm with chickens and goats. Speaking with Ms. Walters during the site visit, she intends to expand the farming operation (livestock) on the property in the future; her sister, Ms. Hall, also intends to start a hobby farm on the proposed lot across Yankee Flats Road (in the ALR), if the ALC approves this application and the subdivision process through Ministry of Transportation and Infrastructure is successful.

If the ALC approves this subdivision and inclusion application, the applicants may proceed with a subdivision application through the Ministry of Transportation and Infrastructure. Although the minimum parcel size in the R zone is 60 ha, Section 2.2.13.4 minimum parcel area exceptions in Bylaw No. 2500 states that minimum parcel area regulations shall not apply where a portion of the

parcel is physically separated from the remainder of the parcel by a highway or other titled land provided that: "no parcel created in the R or RH zone is less than 4000 m<sup>2</sup> in area; the subdivision is restricted to dividing the parcel along the highway or other titled land that physically separates the parcel..."

If the ALC does not approve the subdivision application, the Approving Officer has the ability to approve a plan of subdivision along the ALR boundary (Part 5, Section 10(1)(d) of the ALC Act); however, the lots will not meet the minimum parcel size of 60 ha in Bylaw No. 2500. A successful bylaw amendment application to redesignate and rezone the property to RH Rural Holdings (minimum parcel size 8 ha) would be required.

There is a section (Section 514) of the Local Government Act (LGA) regarding subdivision to provide residence for a relative; however, an application under Section 514 is not an option in this case because under Section 514, the owner must have owned the property for 5 years and the purpose of the application is to provide a separate residence for the owner, a parent of the owner or of the owner's spouse, the owner's child or the spouse of the owner's child, or the owner's grandchild. The current owner has not owned the parcel for 5 years, and the proposed subdivision is to provide a separate title for a sister, which is not in the list above.

#### **SUMMARY:**

The applicants have applied to subdivide the subject property along Yankee Flats Road creating two lots of approximately 10 ha and 53.99 ha. If the ALC approves the subdivision, the applicants would also like to include approximately 4.42 ha of land into the ALR.

Staff recommends approval of these application for the following reasons:

- The majority of the property is not within the ALR and the subdivision and inclusion would create one lot that is completely within the ALR and a remainder lot with an increased area of ALR lands;
- Yankee Flats Road divides the property and the subdivision would not significantly change or negatively impact the surrounding properties; and,
- Both sisters have indicated that if the property is subdivided, they both would expand and establish hobby farms, which would increase the farm use of the property and farming in the area.

#### **IMPLEMENTATION:**

If the ALC allows this subdivision, the owner will continue with the subdivision process by applying to both Ministry of Transportation and Infrastructure and the CSRD.

#### **COMMUNICATIONS:**

These applications were forwarded to the Advisory Planning Commission D who recommended approval.

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

#### **DESIRED OUTCOMES:**

That the Board endorse staff recommendations.

**BOARD'S OPTIONS:**

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

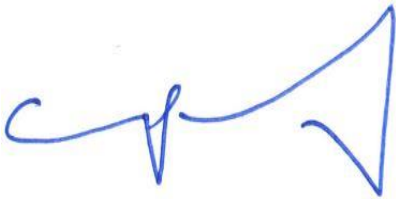
**LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:**

1. Salmon Valley Land Use Bylaw No. 2500
2. ALC Act and Regulations
3. APC D August 2017 Meeting Minutes

**Report Approval Details**

Document Title:	2017-09-21_Board_DS_LC2538_LC2539_Walters-Scott.docx
Attachments:	- Holtby_report_2017-05-04_LC2538.pdf - Maps_Plans_Photos_LC2538.pdf
Final Approval Date:	Sep 11, 2017

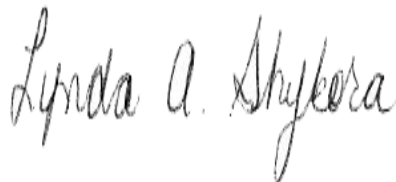
This report and all of its attachments were approved and signed as outlined below:



**Corey Paiement - Aug 25, 2017 - 4:03 PM**



**Gerald Christie - Sep 10, 2017 - 3:27 PM**



**Lynda Shykora - Sep 11, 2017 - 9:50 AM**



**Charles Hamilton - Sep 11, 2017 - 3:32 PM**