

An Opinion on an Application to Subdivide within and Include Land into the Agricultural Land Reserve

Clients: Jessica Walters
Estate of Trena Scott
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1.0 Introduction

Jessica Walters and Lindsay Hall, Executrix for the Estate of Trena Scott, are making an application to subdivide:

Parcel A(DD V44313) of the North West $\frac{1}{4}$ of Section 6, Township 18, Range 10, West of the 6th Meridian, Kamloops Division, Yale District containing 63.95 hectares or 158.03 acres and located at 3020 Yankee Flats Road

The subdivided land is 9.7 hectares or 24 acres.

To smooth out the ALR boundary, and to recognize the utilization of land being part of a hobby farm, it is proposed that lands be included in the ALR.

The dividing line for the subdivision is Yankee Flats Road as shown in Figure 1.

Figure 1: Aerial View of Subject Parcel



The land to be included in the ALR is the thin wedge on the east side of Yankee Flats Road. The original line followed the old road. The new road to the west of the old left a strip. In addition, the land to the west of the Walters homesite is being used for their hobby farm. The applicants feel that it is better included in the ALR to maintain the integrity of the boundary.

The proposal to include the land within the ALR is shown in Figure 2.

The area along the road is about 2.02 ha or 5 acres and the area west of the homesite is about 2.4 ha or 5.8 acres.

This parcel was the subject of an application to subdivide along the road. At the time, she wished to allow for another home on the parcel as she and her husband were disabled. Since that time, both of them have passed. Their daughters wish to subdivide the parcel to have a residence on their family lot. The decision on that application is discussed later in this opinion.

Figure 2: Area to be Included in the ALR



2.0 Qualifications

I am a licensed Agrologist and have been a full member of the B.C. Institute of Agrologists since 1971 (except 2001-2002). I am a graduate from the University of British Columbia with a Bachelor of Science degree in 1967, specializing in Agriculture Economics, and a Master of Science degree in 1972, specializing in Farm Management. My thesis for my Master's degree was entitled *Resource Allocation for the Median Peace River Farm in British Columbia*

I have been involved in the work of the Agricultural Land Commission since 1974 when the reserve boundaries were proclaimed. At that time, I was District Agriculturist for the British Columbia Ministry of Agriculture in Prince George. In October 1978 I entered private practice and have provided professional opinions for clients who have sought amendments to the Agricultural Land Reserve boundaries, subdivision within the ALR, or who have needed assistance in compliance with requests from the Commission.

I have also written and spoken of the need to address the unintended consequences of the provincial land use policy.

All agricultural assessments, whether they are for feasibility or management purposes, start with the soils. Past that point one needs an understanding of plant science, animal science and farm management to properly assess the farming potential of any site. I have demonstrated that understanding throughout my career.

There is a water licence of 2.273 m³/day or 500 Imperial gallons per day appurtenant to the parcel but it is for domestic use only. While this amount of water allows for garden and lawn watering, it is not sufficient to support a crop.

As is shown from the CLI ratings, the drafters of the Agricultural Land Reserve generally drafted the boundaries along Yankee Flats Road and also included the homesite on the west side of the road as shown in Figure 2. Separating that homesite from the balance of the property is the subject of this application. Also, adjusting the boundary to the road is intended by the applicants to provide a more logical boundary.

My inspection of the property concentrated on the homesite. Generally, the soils are a sandy loam that can be productive if provided with water. A soil pit in Photograph 1 shows the soils.

Photograph 2 shows the area proposed for inclusion west of the homesite. My examination concluded that the soils are similar to the homesite and are not impaired by steep topography.



Photograph 1: Soil Pit on Homesite



Photograph 2: Area Proposed for Inclusion

Photograph 3 shows Yankee Flats Road looking north. The area proposed for inclusion lies to the right of the road in the photograph. It also illustrates the steep slope that comes down to the road from the west. The separation of the ALR and non-ALR lands is justified by the change in topography.



Photograph 3: Looking North along Yankee Flats Road

With the limited arability of the land in and proposed to be included in the ALR, it is my opinion that they are sufficiently arable to be considered “Agricultural”. That is they are capable of being “... suitable for farm use” as defined in Section 15 of the *Act*. However, given the limited parcel size, the farm use would be limited to hobby farming even without the subdivision.

The lands outside the ALR, with the exception of that area proposed for inclusion around the homesite, are not considered arable or “Agricultural.”

4.0 Local Government Concerns

The subject parcel is zoned by the Columbia Shuswap Regional District as “R” for Rural. The minimum parcel size to be created by subdivision is limited to 60 hectares.

However, since the land is to be provided to a relative, I believe that Section 514 of the *Local Government Act* will apply. Since Trena Scott owned the parcel for more than 5 years prior to her death, Section 514 (2)(a), requiring five year ownership, should not apply.

I note that under the previous application, the Regional District Board passed a motion to forward the application to the ALC with a recommendation for approval.

5.0 Previous Application

In March, 2015, the Commission denied an application by Trena Scott to move the ALR boundary along Yankee Flats Road. While this was the same proposal as the current one, the rationale behind it has changed.

Mr. and Mrs. Scott had established a manufactured home on the west side of the road to accommodate their infirm condition. Consequently, the application became somewhat moot. Nevertheless, the Commission made a decision that¹ "... 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."

Following their deaths, their eldest daughter, Lindsay Hall, and her family moved into that home. Their youngest daughter, Jessica Walters, renovated and moved into the family home.

The homesite proposed for severance from the rest of the arable land is now an active hobby farm with livestock and poultry. They have substantially cleaned up the old equipment on the parcel and seek to extend their operation into arable land to the west of the homesite. That is the land proposed for inclusion into the ALR. This activity contrasts with the statement of Mrs. Scott who declared that they had² "... not actively farmed the smaller piece for many years."

Most of the arable land from the Scott estate has been acquired by their son who is farming on the land.

Consequently, the subject parcel is isolated from the balance of the estate due to its change in ownership.

6.0 Summary and Conclusion

The application is in Zone 1, and thus the original purposes of the Commission hold. That is:

6 The following are the purposes of the commission:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest

There are a number of definitions of agricultural land. In my opinion above, I used the Section 15 definition that it is land capable of farm use. Consequently, all of the arable land remains within the Agricultural Land Reserve. Indeed, the ALR land base is increased both in the homesite and along the road.

When the Hall family is able to solely acquire the land along the east side of the road, I expect that they, too, will develop a hobby farm.

Thus, the application enhances the rural community development structure, preserves and enhances agricultural land, and encourages hobby farming.

The Commission has asked, in the past, for a comment from me as to the benefits to agriculture from the application. In this case, I believe that the application allows for two young families to develop hobby farms on their family home. As such, the community is enhanced by their presence as is the school population. Maintaining a viable rural community is not within the mandate of the Commission, but would be a positive outcome from allowance of this application.

¹ Agricultural Land Commission, *Reasons for Decision, File 53392*, March 24, 2015, page 3

² *Ibid.*, page 2

I remain available to answer questions which may arise from my opinions on this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R.G. Holtby', with a long, sweeping horizontal line extending to the right.

R.G. (Bob) Holtby, P.Ag.

May 4, 2017

DRAFT