



BOARD REPORT

TO: Chair and Directors

File No: LC2547D
PL20170218

SUBJECT: Electoral Area D: Agricultural Land Commission (ALC) Application Section 17(3) – Inclusion into the Agricultural Land Reserve (ALR) #LC2574D (Lance Reimer)

DESCRIPTION: Report from Christine LeFloch, Development Services Assistant, dated February 28, 2018.
174 and 180 Deep Creek Road, Deep Creek

RECOMMENDATION #1: THAT: Application No. LC2547D, Section 17(3) Inclusion into the ALR, for the West ½ of the North East ¼, Section 20, Township 19, Range 9, West of the 6th Meridian, Kamloops Division Yale District, Except Plan A11384, and the South West ¼ of the South East ¼, Section 29, Township 19, Range 9, West of the 6th Meridian, Kamloops Division Yale District, be forwarded to the Agricultural Land Commission recommending approval this 29th day of March, 2018.

SHORT SUMMARY:

The subject properties are located in the Deep Creek area of Electoral Area D and are partially within the Agricultural Land Reserve. An application was made by the owner in February of 2017 for a subdivision within the ALR to adjust the boundaries of the subject properties. The original proposal was refused by the ALC, however an amended proposal was conditionally approved by the Agricultural Land Commission subject to inclusion into the ALR of the portions of the property currently lying outside of the ALR boundary, and registration of a covenant restricting the construction of non-farm buildings on the portion of the property lying south of Deep Creek Road.

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

BACKGROUND:

REGISTERED OWNER:
Lance Reimer

AGENT:
Blake Lawson

ELECTORAL AREA:
D

LEGAL DESCRIPTIONS:

- (1) W ½ of the NE ¼ Sec 20 Twp 19 Rge 9 W6M KDYD Except Plan A11384
- (2) SW ¼ of the SE ¼ Sec 29 Twp19 Rge 9 W6M KDYD

PIDs:

- (1) 013-968-386
- (2) 013-986-467

CIVIC ADDRESS:

174 and 180 Deep Creek Road

SURROUNDING LAND USE PATTERN:

North: rural, forestry
South: rural, agriculture
East: rural, agriculture
West: rural, forestry

CURRENT USE:

- (1) rural, timber harvesting, residential
- (2) rural, timber harvesting, residential

PROPOSED USE:

(1 & 2) rural, agriculture, residential, 2 lot boundary adjustment subdivision to create a separate title for each residence on the property, inclusion of lands outside ALR boundary into the ALR

PARCEL SIZE:

- (1) ~32.40 ha (80.06 ac)
- (2) ~16.45 ha (40 ac)

DESIGNATIONS:

Ranchero Deep Creek Official Community Plan Bylaw No. 750

- (1) AG – Agriculture
- (2) MH – Medium Holdings

ZONE:

Ranchero Deep Creek Land Use Bylaw No. 2100

- (1) R – Rural
- (2) R – Rural

AGRICULTURAL LAND RESERVE:

- (1) 58%
- (2) 0%

SOIL CAPABILITY:

The southerly subject parcel is 58% within the ALR. According to Canada Land Inventory the northern two thirds of the southerly subject parcel has Class 7 soils with topographical and climate as limitation. Class 7 soils have no capacity for arable culture or permanent pasture. These soils are not improvable. The southern approximately one third of the southerly subject parcel has Class 4 soils with low moisture holding capacity and topographical limitations. Class 4 soils can support a restricted range of crops. These soils can be improved to Class 3 soils with low moisture holding capacity topographical limitations. Under good management Class 3 soils are fair to moderately high in productivity for a fair range of crops.

The northerly subject parcel is not in the ALR. However some of the soils on the property are capable of supporting agriculture. According to Canada Land Inventory the northern portion of the northerly subject parcel has Class 5 soils that are limited by topography and stoniness. Class 5 soils are generally limited to producing perennial forage crops. These soils do not have an improved rating. The southern portion of the northerly subject parcel is rated as Class 7 with topography and climate as limiting factors. These soils are not improvable.

HISTORY:

See "Maps_Plans_Photos_LC2547D.pdf" attached.

- 1076 (1975) application to subdivide 4 acres from the 15.8 acre parcel was allowed subject to the condition that the proposed subdivision of 4 acres be consolidated with adjoining properties.
- 1315 (1977) application to subdivide the 13.54 acre property into two equal sized parcels was refused.
- 1485 (1978) application for a boundary adjustment subdivision to correct a building encroachment and facilitate access to a property was refused and later approved upon appeal.
- 1634 (1980) application for exclusion of the 16 ha (40 acre) parcel was refused, however a subdivision within the ALR was approved to create a 4.047 ha (10 acre) parcel.
- 1934 (1985) application to subdivide a 40 acre lot leaving a 115 acre remainder for the purposes of dividing up shares of a company was refused. Upon appeal the application was approved subject to registration of a restrictive covenant prohibiting construction of a residence on the new lot and granting right of first refusal to one of the owners of the company being divided. To date the proposed subdivision has not been completed.
- LC2388 (2009) application for subdivision of a 2.4 ha lot leaving a 12.3 ha remainder was approved.
- LC2529 (2017) application for boundary adjustment subdivision to create an 8 ha lot and a 39.7 ha lot was refused as proposed, but an alternate configuration was approved subject to inclusion of the rest of the portions of the subject parcels not already within the ALR.

SITE COMMENTS:

Staff visited the property on November 29, 2016. There are two subject properties included in this application as noted above. Property (1) has frontage on Deep Creek Road and is divided by the road, while Property (2) is situated directly north of the other parcel and does not have frontage on a public road. Property (2) is not located within the ALR, while 58% of Property (1) is within the ALR.

Approximately 5.23 ha of the Property (1) lying adjacent to Deep Creek Road was historically cleared and has been used for forage crops and pasture. The remainder of the parcel and Property (2) to the north were logged in 2016. The owner estimated the total area logged to be between 80-90 acres (32-36 ha). At the time of the site visit the owner advised that the area had been cleared for pasture and would be planted in seedlings and grass as they intend to run 10-15 cow calf pairs on the lands in conjunction with another parcel that they own on Hullcar Road in the Township of Spallumcheen. An update from the applicant in February of 2018 indicated that the property was not yet being used for this purpose.

There are two single family dwellings sited on Property (1) while Property (2) is vacant land. The house sited at 174 Deep Creek Road was completed in May of 2014 and is occupied by the owner. The original home on the property was sited at 180 Deep Creek Road. The owner indicated that the home burned down and a new home was constructed to replace it in 2015. The Rancho Deep Creek Fire Chief advised that the owners demolished and burned the home themselves as firefighters were notified and on standby to help if needed. This home is currently used as a rental. A secondary dwelling is not a permitted use in the Rural Zone.

POLICY:

Policies that relate to this application include the following:

Rancho/Deep Creek Official Community Plan Bylaw No. 750

3.4 Agriculture

This land use designation applies to lands that are used and valued for agriculture. All lands within the ALR are in this land use designation. The objectives and policies relating to these matters are intended to serve as indicators of community preference and assist senior levels of government in planning and decision making.

Objective 1: Maintain the agricultural land base and protect it from activities that may diminish agricultural value and potential.

Objective 3: Support development that is compatible with the Community Values and Development Criteria.

Policy 1. Lands within the Agriculture designation are shown as "AG" on Schedule 'B'.

Policy 2. Lands within the Agriculture designation shall be maintained as parcels of at least 60 ha (148.25 ac).

Policy 3: For lands within the ALR, the regulations and policies of the Agricultural Land Commission (ALC) apply. Approval must first be obtained from the ALC where land in the ALR is proposed for subdivision, a second dwelling unit, or a non-farm use.

Policy 6: One dwelling unit shall be permitted per lot and one secondary dwelling unit may be considered subject to zoning. The size of the parcel and size of the secondary dwelling unit will be subject to zoning restrictions. The secondary dwelling unit will be subject to special provisions, including:

- (a) setbacks from buildings and property lines, and;
- (b) the provision of required parking and access;
- (c) the provision of adequate servicing that meets Provincial water and sewer regulations.

Policy 8. All development on Agriculture lands will be strongly encouraged to use best practice interface forest fire mitigation techniques for building and landscaping.

Section 5 Natural Resource Management

5.1 Agriculture

Goal: To protect agricultural land both within and outside the ALR for agricultural based activities.

Policy 1: This Plan supports the Agricultural Land Commission's mandate of preserving and encouraging the development of lands for agricultural purposes.

Policy 2: The CSRD encourages the retention of large land holdings within the Plan Area, including the ALR, to maintain future opportunities for farm use.

Policy 3: The CSRD discourages encroachment and fragmentation of farmland by non-farm related uses.

Ranchero/Deep Creek Land Use Bylaw No. 2100

Land Use Designation: Both subject properties (1) and (2) - R - Rural

2.4.1 Permitted Uses

Agriculture, guest ranch, silviculture, wood harvesting, mining, gravel extraction, trapping, aquaculture, watershed, kennel, airfield, airstrip, golf course, public use, single family dwelling, home occupation, accessory use.

2.5.2 Regulations

Maximum number of single family dwellings per parcel is 1; the minimum parcel area is 60 ha. Onsite sewage disposal and onsite water supply are the servicing standards.

2.3.12 Exemption from Minimum Parcel Size

The provisions of section 2.3.11 of this bylaw do not apply in the case where:

- .4 Lot lines are relocated to facilitate an existing development or improve a subdivision pattern provided that:
 - .1 no additional parcels are created;
 - .2 all parcels are contiguous; and
 - .3 no parcel shall be enlarged to a size permitting further subdivision.

FINANCIAL:

The previous application (LC2529D) identified a second residence on the property that is not in compliance with the Ranchero Deep Creek Land Use Bylaw No. 2100 and this issue was referred to bylaw enforcement. The proposed subdivision would resolve the bylaw enforcement issue.

KEY ISSUES/CONCEPTS:

A previous application by the owner (LC2529D) proposed a boundary adjustment subdivision which would create an 8 ha lot and a 39.7 ha lot. This proposal would see the boundaries relocated such that the currently landlocked northerly parcel would have frontage on Deep Creek Road and would also place the lot line such that each parcel would have one of the existing dwellings located on it. At the time of the ALC site visit the applicant suggested an alternate proposal which would create a 16 ha lot (Proposed Lot 1) and a 31.7 ha lot (Proposed Lot 2) and include the rest of the two parcels under application into the ALR. This proposal would have separated the lands located south of Deep Creek Road into two portions hooked individually to Proposed Lots 1 and 2.

Both the original proposal and the alternate proposal were refused by the ALC, however an alternate configuration was put forward by the Commission which keeps the area located south of the road intact and hooked as part of Proposed Lot 1 only, rather than dividing it between the two lots. The ALC approval of this alternate proposal is subject to the owner making an application for inclusion of the rest of the subject properties into the ALR, and registration of a restrictive covenant on Proposed Lot 1 prohibiting the construction of non-farm buildings on the portion of the property south of Deep Creek Road. Please see "ALC_Decision_Letter_2017-10-23_LC2529D", attached.

If the ALC approves this application to include the lands into the ALR the owner could then make application to the Ministry of Transportation and Infrastructure and the CSRD to subdivide. If the ALC does not approve this application the owner would need to remove the secondary residence or convert it to a non-habitable building. Alternately, they could make application for a Non-Farm Use in the ALR to permit the second residence, and if approved could then apply for a site specific zoning amendment to allow a secondary residence on this property only. It is noted that proposed Ranchero Deep Creek Zoning Bylaw No. 751, if adopted in its current form, would allow for a second residence if approved by the ALC.

SUMMARY:

Development Services staff is recommending that application LC2547D, proposing inclusion of lands into the ALR, be sent to the ALC recommending approval, for the following reasons:

- Ranchero Deep Creek Official Community Plan Bylaw No. 750 contains policies encouraging the retention of large land holdings within the Plan Area, including the ALR, to maintain future opportunities for farm use;
- Some of the area proposed for inclusion contains Class 5 soils;
- Inclusion of the rest of the parcel into the ALR protects the land for non-soil bound agricultural uses; and
- The Okanagan panel of the ALC advised the applicant to make the application for inclusion as a condition of approval of their application to subdivide while conducting a site visit of the property.

IMPLEMENTATION:

If the ALC approves this inclusion application, then the condition of approval of the previous application (LC2529D) for a boundary adjustment subdivision of the subject properties will be fulfilled. The owners would then be able to continue the subdivision process by making application to the Ministry of Transportation and Infrastructure and the CSRD for the boundary adjustment subdivision.

COMMUNICATIONS:

This application was referred to the Electoral Area D Advisory Planning Commission (APC) for their review and input. Unfortunately, the APC was unable to review the application as they did not have a quorum at the scheduled meeting.

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.*

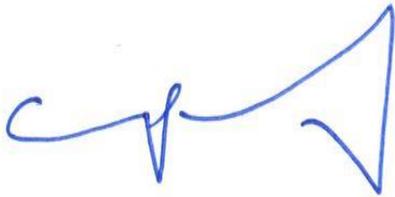
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Rancho Deep Creek Official Community Plan Bylaw No. 750
2. Rancho Deep Creek Land Use Bylaw No. 2100

Report Approval Details

Document Title:	2018-03-29_Board_DS_LC2547D_Reimer.docx
Attachments:	- ALC_Decision_Letter_2017-10-23_LC2529D.pdf - Maps_Plans_Photos_LC2547D.pdf
Final Approval Date:	Mar 16, 2018

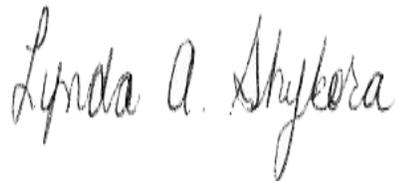
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Mar 13, 2018 - 12:12 PM



Gerald Christie - Mar 15, 2018 - 7:58 AM



Lynda Shykora - Mar 15, 2018 - 9:29 AM



Charles Hamilton - Mar 16, 2018 - 8:16 AM