



# BOARD REPORT

**TO:**

Chair and Directors

**File No:** LC2551A  
PL20180000015

**SUBJECT:**

Electoral Area A: Agricultural Land Commission (ALC) Application  
Section 21(2) – Subdivision LC2551A (Moss)

**DESCRIPTION:**

Report from Erica Hartling, Development Services Assistant, dated  
March 15, 2018.  
3950 Thomas Road, Parson

**RECOMMENDATION:**

THAT: Application No. LC2551A, Section 21(2) Subdivision in the ALR,  
for Parcel A (See 155378I) of the Southwest Quarter of Section 25,  
Township 24, Range 20, West of the 5<sup>th</sup> Meridian, Kootenay District,  
Except Plan NEP68082, be forwarded to the Provincial Agricultural Land  
Commission recommending approval this 29<sup>th</sup> day of March, 2018.

**SHORT SUMMARY:**

The subject property is located in Electoral Area A approximately 36 km south of Golden; located across the Columbia River from Parson and divided by Thomas Road. The owner is applying to subdivide the property into 2 lots in order to facilitate estate planning; 1 ha lot surrounding the owner's home on the east side of Thomas Road and a 50.12 ha remainder. The area proposed to be subdivided on the east side of Thomas Road is located within the ALR.

**VOTING:**

Unweighted  
Corporate



LGA Part 14  
(Unweighted)



Weighted  
Corporate



Stakeholder  
(Weighted)

**BACKGROUND:****REGISTERED OWNER(S):**

Jeffery Moss

**APPLICANT:**

Jeffery Moss

**ELECTORAL AREA:**

A

**LEGAL DESCRIPTION:**

Parcel A (See 155378I) of the Southwest Quarter of Section 25, Township 24, Range 20, West of the  
5th Meridian, Kootenay District, Except Plan NEP68082

**PID:**

016-519-388

**CIVIC ADDRESS:**

3950 Thomas Road

**SURROUNDING LAND USE PATTERN:**

North = Crown land, Columbia wetlands and Columbia River

North West = Rural, residential

South = Rural, residential

East = Columbia Wetlands and Columbia River

West = Forested Crown land

**CURRENT USE:**

A 1 ha portion of the 51.12 ha lot is used for the owner's residence and hobby farm (home garden and horse corral). The remaining 50.12 ha is currently not being farmed. There is a second existing dwelling to the northwest of the principal residence, which has been vacant for over 10 years.

**PROPOSED USE:**

Continue current residential use on the proposed 1 ha parcel and sell the 50.12 ha lot.

**PARCEL SIZE:**

51.12 ha

**PROPOSED PARCEL SIZE:**

1 ha and 50.12 ha

**DESIGNATION:**

N/A

**ZONE:**

N/A

**AGRICULTURAL LAND RESERVE:**

70%

**FARM STATUS:**

No

**SOIL CAPABILITY:**

See "Maps\_Plans\_Photos\_LC2551A.pdf" attached.

According to the Canada Land Inventory mapping, the portion of the property on the eastern side of Thomas Road has Class 2 soils with limitations resulting from cumulative effects of two or more adverse characteristics and are not improvable. Nearby limiting factors may be excess water, inundation by wetlands and river, adverse climate, and topography.

The portion of the property on the western side of Thomas Road has Class 7 soils with topography and stoniness as a limiting factors; and cannot be improved.

**HISTORY:**

See "Maps\_Plans\_Photos\_LC2551A.pdf" attached.

There has been one ALC application for the subject property.

#1489-A (1978): Four lot subdivision, refused two of the parcels.

- ALC refused two parcels (22 ha and 16 ha) on the portion east of Thomas Road, as the land has good capability for agriculture. However, the ALC approved two parcels west of Thomas Road into 4.1 ha and 9.9 ha.
- The current owner did not follow through with the approved three lot configuration.

**SITE COMMENTS:**

See "Maps\_Plans\_Photos\_LC2551A.pdf" attached.

A site visit was not done for this application. Information provided in this report is based on orthophoto interpretation and photos provided by the applicant.

The property has access off of Thomas Road on the east side but does not have driveway access off of the west side. The property has a creek running through the northern portion flowing into the Columbia River; the Columbia Wetlands and the River run along the eastern boundary of the property.

The portion west of Thomas Road is completely forested with steep slopes and has 0.8 ha within the ALR containing Class 7 soils.

The portion on the east side of Thomas Road has 34 ha within the ALR. This portion contains two homes, one is the owner's principal residence and the other is a vacant log home just northwest of the owner's residence. The log home is connected to its own septic and well and has been vacant for over 10 years. There are also multiple storage sheds on the east side of Thomas Road, these sheds and the vacant log home would be located on the proposed remainder. Orthophotos show approximately 5 ha of cleared area around the buildings, the remainder is treed.

**POLICY:**

Electoral Area A does not have an Official Community Plan and the subject parcel is without the benefit of zoning regulation.

**FINANCIAL:**

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

**KEY ISSUES/CONCEPTS:**

The proposed subdivision would create a separate title for a 1 ha portion of the property located east of Thomas Road surrounding the owner's existing home and completely within the ALR. The parcel including the owner's home, hobby farm, and driveway has been proposed to be as small as possible (1 ha); and will still satisfy the minimum lot size requirements for onsite servicing within the CSRD Subdivision Servicing Bylaw No. 641.

The proposed 1 ha lot contains Class 2 soils. However, staff believe that removing this 1 ha parcel from the ALR portion of the property may not reduce the available options for agricultural use, as the remaining 33 ha in the ALR are Class 2 soils. The owner wishes to remain living on the 1 ha parcel but has chosen not to farm or maintain the large parcel. The owner indicates the large proposed remainder could be suitable for a future buyer to farm.

The subject property has been the principal residence of the applicant as owner-occupant since December 14, 1972 qualifying the owner to apply under Policy L-11 Homesite Severance on ALR Lands. The owner's intentions to subdivide off the principal residence are consistent with the Policy L-11; however, the owner does not have a specific time period on which they intend to sell the remainder. The owner has decided not to apply under Policy L-11, as guideline #3 requires the owner to have a legitimate intention to sell the remainder of the property upon the approval of the homesite severance application.

**SUMMARY:**

Development Services staff is recommending approval of application LC2551A for subdivision in the ALR for the following reasons:

- Staff believe that the proposed subdivision configuration will not negatively impact potential agricultural activity on the proposed remainder parcel;
- The owner has chosen not to farm the property, subdividing the 1 ha could allow a future owner of the 50.12 ha proposed remainder parcel the potential to farm the property; and,
- The owner has owned-occupied the property long enough to qualify for a Homesite Severance.

**IMPLEMENTATION:**

If the ALC approves this application, the owner will be able to make applications for subdivision to both the Ministry of Transportation and Infrastructure and the CSRD.

**COMMUNICATIONS:**

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

**DESIRED OUTCOMES:**

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.*

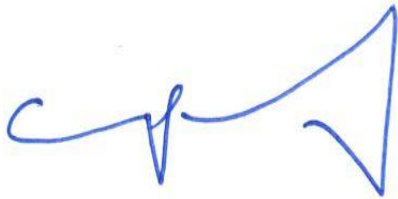
**LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:**

1. Agricultural Land Commission Application Package

**Report Approval Details**

Document Title:	2018-03-29_Board_DS_LC2551A_Moss.docx
Attachments:	- Maps_Plans_Photos_LC2551A.pdf
Final Approval Date:	Mar 17, 2018

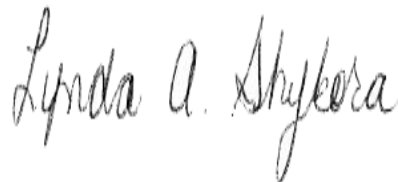
This report and all of its attachments were approved and signed as outlined below:



**Corey Paiement - Mar 16, 2018 - 8:25 AM**



**Gerald Christie - Mar 16, 2018 - 9:33 AM**



**Lynda Shykora - Mar 16, 2018 - 2:37 PM**



**Charles Hamilton - Mar 17, 2018 - 9:23 AM**