



BOARD REPORT

TO: Chair and Directors

File No: LC 2532 C

SUBJECT: Agricultural Land Commission (ALC) Application Section 21(2) – Subdivision in the ALR Kahn Whitehead

DESCRIPTION: Report from Dan Passmore, Senior Planner, dated March 24, 2017.

RECOMMENDATION: THAT:
Application No. LC2532C, Section 21 (2) Subdivision in the ALR, for LS 16, Section 5, Township 23, Range 9, West of the 6th Meridian, Kamloops Division Yale District be forwarded to the Provincial Agricultural Land Commission recommending refusal, this 20th day of April, 2017)

APPROVED for Board Consideration:

Meeting Date: April 20, 2017

Charles Hamilton, CAO

SHORT SUMMARY:

The owner would like to subdivide the property into 4 parcels (3 new lots + remainder). The proposed 3 new lots would be over 1.0 ha. (2.47 ac) and the remainder would be approximately 12.0 ha. (29.65 ac), and some area would also be required for road dedication. This property is partially within the ALR. Only one of the proposed new lots is partially within the ALR. Approval of the Agricultural Land Commission is required.

VOTING:

Unweighted
Corporate



LGA Part 14
(Unweighted)



Weighted
Corporate



Stakeholder
(Weighted)



BACKGROUND:

In attached APC Report

POLICY:

In attached APC report.

FINANCIAL:

There are no financial implications to the CSRD.

KEY ISSUES/CONCEPTS:

The Agricultural Land Commission (ALC) had previously approved a non-farm use application (LC 2242 C) on the subject property, as well as adjacent LS 9 and LS 15 for an 18 hole golf course, with driving range, clubhouse and related recreational facilities. In support of that application the owner

provided a soils review report from an Agrologist. The report observed that soils on the subject properties were not classified correctly in the Canada Land Inventory soil classification mapping.

Among the Agrologist's findings when reviewing the on-site soils, were shallow veneers of glacio-lacustrine clay deposits in the area proposed for subdivision particularly in the lower areas of the northern portion of the property. These soil types were in addition to bedrock outcropping. This is the area proposed for subdivision, and could pose some problems for proposed on-site septic sewerage systems, if the soils prove impermeable. However this is a matter that will be dealt with only in the event that the ALC approves this subdivision proposal. Subdivision Servicing Bylaw No. 641 requires documentation of a suitable on-site sewerage system for each lot proposed, together with the remainder.

The ALC has reviewed a number of subdivision applications in the area, and has generally not been supportive. Some of these applications noted the relative inability of the clay soil structures to be used for sewage disposal, and how that would impact agricultural use of the lands.

The proposed subdivision only impacts a small portion of land (1.15 ha) in the ALR, comprising the majority of area on proposed Lot 3, and a small portion on Lot 2. The area where the subdivision is proposed is not currently used for agriculture.

At the Electoral Area 'C' Advisory Planning Commission meeting the applicant discussed the possibility of an exchange of the area in the ALR in the proposed subdivision, with an area currently outside the ALR to the east in LS 15. Such a proposal would require the applicant to submit an Exclusion/Inclusion application, rather than the current subdivision application. Staff discussed this with the owner, and advised that if he would like to make the exclusion/inclusion proposal, that he should either re-submit such an application to the CSRD or take the matter up with the ALC when they review the current subdivision application. This way, the ALC could consider this proposal in this context and provide the applicant with direction on whether he should make a further application and whether such an application would be supportable.

The policies contained in Electoral Area 'C' Official Community Plan Bylaw No. 725 give direction to preserving rural agricultural areas to the greatest extent possible in order to provide continued agricultural and resource production. It is also noted that the Agriculture designation contains a recommended minimum parcel size of 60 ha (148 acres). The property is not designated Agricultural, however. The GC Golf Course designation does not specify minimum parcel sizes, but defers to other policies of the plan which may be applicable, such as the Agricultural policies noted above.

It is noted that OCP policies do not support subdivision of ALR lands where there may be intrusive or conflicting impacts on the surrounding agricultural community. Staff note that surrounding parcels are not generally used for agricultural purposes, so the potential impact of this subdivision proposal would be immediately negligible. However, approval of the application could impact the surrounding agricultural community by creating the impression in other landowner's of setting a precedent resulting in increased expectation for subdivision of ALR lands in the Eagle Bay area. This can serve to increase speculation of farmland in an area, driving up land values and making it difficult for prospective farmers to purchase land. It should be carefully noted that Board consideration for such applications is done a case-by-case basis carefully weighing the merits of each application.

The Electoral Area C APC reviewed the application at their February meeting and voted to support the proposal.

Staff note that subdivision of the property would not require ALC approval if the proposed subdivision were to occur along the ALR boundary. However, the size of the portion of the property out of the ALR in the northeast corner of the property would limit any subdivision proposal to, at best 2 lots. Road dedication, would further limit the area available for subdivision.

SUMMARY:

CSRD Development Services Department is recommending refusal of the application to subdivide in the ALR for the following reasons:

- Electoral Area 'C' Official Community Plan Bylaw No. 725 Agricultural policies do not support the proposed subdivision;
- The Agricultural Land Commission was very involved in development of Bylaw No. 725 and provided significant input on the Agriculture policies;
- Soils on-site appear marginally incapable of supporting on-site sewage disposal, which may impact the potential for subdivision;
- Historical applications for subdivision in the area and specifically for the subject property have generally not been supported by the ALC; and
- Staff concurs with ALC rationale regarding the potential for residential intrusion, precedent setting and increased expectation from surrounding property owners for further subdivision.

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. At some point, the owner will also need to make an application to the CSRD to re-designate/rezone the subject property as well.

If the ALC considers the applicant's proposal for inclusion/exclusion and advises the owner to make such an application, rather than adjudicating on the subdivision proposal, such an application would be forwarded to the Board for consideration.

COMMUNICATIONS:

This application was referred to the Advisory Planning Commission C. The Commission was supportive of the application. The Board resolution will be sent to the ALC along with the full application and staff report.

DESIRED OUTCOMES:

That the Board endorse staff recommendation (Option 1).

BOARD'S OPTIONS:

1. *Endorse staff recommendation. A recommendation of refusal of the proposed subdivision will be forwarded to the Provincial Agricultural Land Commission.*
2. *Recommend approval of the application as submitted. A recommendation of approval will be forwarded to the Provincial Agricultural Land Commission.*
3. *Defer.*

4. *Any other action deemed appropriate by the Board.*

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

1. Soils On Site Report, dated February 1, 2002 from RBF Land Resource Consultants Ltd.