



BOARD REPORT

TO:

Chair and Directors

File No: LC 2533 D

SUBJECT:

**Agricultural Land Commission (ALC) Application Section 21 (2)
– Subdivision in the Agricultural Land Reserve (ALR) Pina
Birkich**

DESCRIPTION:

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

RECOMMENDATION:

THAT:

Application No. LC2533D, Section 21(2) Subdivision in the ALR, for N 1/2 of NE 1/4, Section 16, Township 17, Range 11, West of the 6th Meridian, Kamloops Division Yale District, Except Plan A322, and Part Lying South of Colebank Road be forwarded to the Provincial Agricultural Land Commission recommending refusal on 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 2 parcels (1 new lot + remainder). The proposed new lots would be 5.08 ha. (12.55ac) each. This property is wholly within the ALR. Approval of the Agricultural Land Commission is required.

The property owner has indicated that the subdivision application would be made to the Ministry of Transportation under *Local Government Act* Section 514 - subdivision to provide residence for a relative. If the MoT Provincial Approving Officer deems that the subdivision meets with the requirements of Section 514, the property would not need to be rezoned in order to allow for the proposed subdivision. BC Assessment Authority information indicates that there are currently 2 homes on the property.

VOTING:

Unweighted
Corporate



LGA Part 14
(Unweighted)



Weighted
Corporate



Stakeholder
(Weighted)



BACKGROUND:

See attached APC Report

POLICY:

See attached APC report

FINANCIAL:

No financial implications to the CSRD.

KEY ISSUES/CONCEPTS:

The owner is applying to split the subject property in half. The subdivision proposal does not meet the minimum parcel size requirements of 60 ha. The applicant intends applying to subdivide for a family member in accordance with Section 514 of the Local Government Act for Subdivision to Provide Residence for a Relative. The application has been made for legacy purposes.

The current property owners have not owned the property long enough to qualify under the Agricultural Land Commission's (ALC) homesite severance policy.

It is noted that Bylaw No. 2500 policies discourage residential intrusion in agricultural areas, and sets a minimum parcel size for consideration of subdivision at 8.0 ha. Staff note that surrounding parcels are used for agricultural purposes, so the potential impact of this subdivision proposal would be to place immediate pressure on these agricultural operations and to impact the surrounding agricultural community by setting a precedent resulting in increased expectation for subdivision of ALR lands in the Cedar Hills 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.

Further, the creation of new parcels does not guarantee the continued use of the parcel for agricultural purposes. Staff note that the easternmost proposed parcel is only partially used for agricultural purposes, by the current owner. The effect of the subdivision would be to alienate a portion of the current agricultural use onto another parcel, which, if the parcel is sold to an owner who does not wish to farm, would reduce the viability of agriculture on the other parcel. Also it is noted that the property owner to the north appears to utilise a portion of the property north of Salmon River, which is currently alienated from agricultural production by the owner of the subject property by the Salmon River.

Due to floodplain issues, the majority of the easternmost proposed property would be unsuitable for residential use, except potentially for areas currently used for agricultural purposes, further impacting on overall agricultural use.

The subject property is separated from access to Colebank Road by the Canadian National Railway (CNR). Access to a new proposed new lot would be required to cross the CNR Right-of-Way (RoW).

The Ministry of Transportation and Infrastructure (MoT) has reviewed the proposal and does not recommend support of the subdivision proposal. MoT notes that the proposed subdivision would not satisfy requirements under Section 75 of the *Land Title Act* for highway access or frontage. The MoT notes that additional road dedication or appropriate alternative access should be considered. Road dedication on ALR lands will require ALC consent. Also, they note that the applicant has supplied no evidence that there would be sufficient area for a safe building site outside of the floodplain, for the proposed new lots.

If this ALC application is successful the owner will continue with the subdivision process which would include meeting the requirements of Subdivision Servicing Bylaw No. 641 for the proposed lots.

SUMMARY:

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

- Salmon Valley Rural Land Use Bylaw No. 2500 Agricultural policies do not support the proposed subdivision;
- Soils on-site appear capable of supporting agriculture, which may impact the potential for subdivision;

- Historical applications for subdivision in the area have generally not been supported by the ALC;
- Subdivision of the subject property is problematic due to issues with access, highway frontage, and safe building sites, due to flooding issues, as noted by MoT staff;
- The proposed subdivision would introduce additional residential pressure into a neighbourhood that is actively farmed;
- APC 'D' recommended refusal; 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:

Staff will forward the application, together with the resolution from the Board, and this staff report to the ALC for consideration. If the ALC approves this application, the owner will continue with an application for subdivision to both the CSRD and Ministry of Transportation and Infrastructure.

COMMUNICATIONS:

This application was referred to the Advisory Planning Commission 'D' who recommended refusal. The application was also referred to the MoT, who recommended the application not be approved. Finally, the application was referred to the CNR, who did not respond with comments.

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 recommendation.

BOARD'S OPTIONS:

1. *Endorse the Recommendation; LC2533D will be forwarded to the Provincial Agricultural Land Commission with a recommendation of refusal.*
2. *Forward a recommendation of approval 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. N/A