

# APC REPORT

**TO:** APC 'D'

**FROM:** Dan Passmore  
Senior Planner

<b>File No:</b>	LC2533D
<b>Date:</b>	February 23, 2017

**SUBJECT:** Agricultural Land Commission (ALC) application  
Section 21 (2) – Subdivision in the Agricultural Land Reserve (ALR)  
Pina Birkich  
N 1/2 of NE 1/4, Section 16, Township 17, Range 11, West of the 6<sup>th</sup> Meridian,  
Kamloops Division Yale District, Except Plan A322, and Part Lying South of  
Colebank Road

## 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.

## BACKGROUND:

**Location:** The 10.16 ha. (25.1 ac) subject property is located at 4282 Colebank Road east of Falkland in the Cedar Hill area.

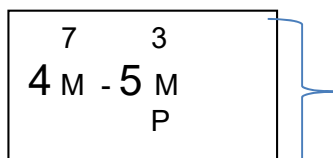
**Site Comments:** The property proposed to be subdivided is accessible from Colebank Road in its southwest corner. The driveway access to the property crosses the CPR railway Right-of-Way (RoW). The proposed subdivision is to divide the property in half. Access to the second lot would be dealt with in a future subdivision application, but it is relevant to comment that the subject property does not currently have highway frontage on Colebank Road. Ministry of Transportation has approved 2 agricultural accesses to the property, and the applicant has made an application to CPR for the second access.

The property slopes gently down from Colebank Road/CPR RoW towards the Salmon River. The west area of the property where the existing single family dwelling and accessory buildings are located is treed. There is an area in the middle of the property that is used for forage crop production, and the eastern end of the property is treed and impacted by the Salmon River floodplain.

**Land Interests in the Community:** Subject property only.

## Soils Capability:

Canada Land Inventory mapping indicates that the subject property is divided into two different soil capability ratings. These are described below. It is noted that improved ratings are based on irrigation.



Soils through approximately 80% of the property are 70% Class 4, with soil moisture deficiency as the limiting factor, and 30% Class 5, with soil moisture deficiency and stoniness as the major and minor limiting factors, respectively. The soil is improveable.

7	3
3 P - 4 P	
M	M

The soils are improveable to Class 3 and 4 with stoniness as the major limiting factor and soil moisture deficiencies as the minor limiting factor. In this instance soils would be improveable through irrigation availability.

6	4
4 M - 5 M	
	P

Soils through the remaining 20% of the property are 60% Class 4, with soil moisture deficiency and stoniness as the limiting factors, and 40% Class 5, with soil moisture deficiency and stoniness as the major and minor limiting factors, respectively. The soil is improveable.

6	4
3 W - 4 P	
P	M

The soils are improveable to Class 3 and 4. Class 3 soils major limiting factor is excess water in the form of groundwater with the limiting factor soil moisture deficiencies. Class 4 soils are subject to stoniness and soil moisture deficiencies.

**History:** There have been some ALC applications made in the area. See ALR/History Map.

- #1249 (1978) approved a subdivision to create 2 separate lots of 23.7 and 24.4 Ac.
- #1273 (1977) refused subdividing 7 new lots.
- #1359 (1977) refused 3 lot subdivision.
- #1376 (1977) refused 5 lot subdivision.
- #1900 (1984) approved a proposed subdivision to create a new 2.3 Ha lot.
- #2355 (2007) approved a 2 lot subdivision with the Salmon River as the new boundary.
- #2436 (2010) application for subdivision in the ALR was withdrawn prior to ALC review.
- #2461 (2012) refused a subdivision to create a new 1.0 Ha lot.

## **POLICY:**

Policies that relate to this application include the following:

### **Salmon Valley Land Use Bylaw No. 2500**

#### *Section 1.7 Rural and Agricultural Character*

#### Objective

- 1.7.1 An objective of the Regional Board is to generally preserve the rural and agricultural character of the area and ensure the continued viability of economic activities based on agriculture and forestry resources.

#### Policies

1.7.2 The policies of the Regional Board are as follows:

- .1 On Schedule A, the OCP Designation Maps, the rural and agricultural areas are designated as R (Rural);
- .2 Existing rural areas include parcels greater than 60 ha in area and land under resource or agricultural use. Rural areas shall be preserved to the greatest extent possible to provide for continued agricultural and resource production as the main elements of the local economy;
- .3 The Regional Board will respect Provincial Ministries whose superseding jurisdiction prevent the Board from regulating the extraction or management of some land based resources. This includes the regulation of mining, gravel extraction, and forest management practices. However, it is within the Board's jurisdiction and it is a policy of the Board to regulate resource processing in order to prevent land use conflicts.
- .4 The rural holdings areas, with a minimum parcel size of 8 ha, are designated as RH (Rural Holdings);
- .5 The Regional Board wishes to discourage residential intrusion in agricultural areas. The Board sees the creation of 8 hectare parcels from larger parcels of good agricultural land (including land within the Agricultural Land Reserve and Class 4 or better agricultural land) as the first step toward residential intrusion on agricultural land. To prevent this intrusion, the Regional Board discourages new Rural Holding designations (8 ha minimum parcel size) on good agricultural land;
- .6 The Regional Board may consider new Rural Holding designations not located on good agricultural land;
- .7 The Regional Board prefers to see rural residential use concentrated on parcels approximately 1 ha (2.5 acres) in size and located in areas where the residential use clearly will not have a negative impact on agricultural uses;
- .8 Agricultural processing areas are designated as AP (Agricultural Processing);
- .9 Agricultural processing industries are encouraged to develop within the plan area in order to provide a readily accessible market for raw agricultural products grown in the Salmon Valley.

Agricultural Land Reserve (ALR)

- 2.2.5 In addition to the regulations established in this Bylaw, all lands within the Agricultural Land Reserve are also subject to the provisions of the Agricultural Land Commission (ALC) Act, regulations and orders of the ALC (thereby not permitting the subdivision of land or the development of non-farm uses unless approved by the ALC).

Additional Residences within the ALR

- 2.2.5.1 Any properties located within the ALR and in land use zones that permit two single family dwellings must have the approval of the ALC, prior to establishing the second residence. In the event that a farm requires more than two single family dwellings on the property, either issuance

of a Temporary Use Permit or a successful rezoning is required, after approval from the ALC is received.

### 2.3 Floodplain Provisions

The use of land, within that part of the Salmon Valley designated as floodplain by the Salmon Valley Floodplain Management Bylaw No. 2600, is subject to compliance with the provisions of that bylaw.

### 2.4 R Rural

#### Permitted Uses

2.4.1 The following uses and no others are permitted in the area zoned as R:

- .1 agriculture;
- .2 airfield, airstrip;
- .3 equestrian centre;
- .4 fish farm;
- .5 forestry;
- .6 guest ranch;
- .7 gun club and archery range;
- .8 harvesting wild crops;
- .9 home occupation;
- .10 kennel;
- .11 portable sawmill;
- .12 single family dwelling;
- .13 trapping;
- .14 accessory use.

#### Regulations

2.4.2 On a parcel located in an area zoned as R, no land shall be used; no building or structure shall be constructed, located or altered; and no plan of subdivision approved which contravenes the regulations set out in the table below in which Column I sets out the matter to be regulated and Column II sets out the regulations.

#### Column I

#### Column II

- |  |  |
|--|--|
| <p>.1 maximum number of single family dwellings:</p> <p style="margin-left: 40px;">* on a parcel with less than 2 ha in area;</p> <p style="margin-left: 40px;">* on a parcel with 2 ha or more in area.</p> | <p>1 single family dwelling per parcel;</p> <p>2 single family dwellings per parcel;</p> |
| <p>.2 minimum siting of the following buildings, structures or uses from any parcel line or watercourse:</p>   |  |

- \* portable sawmill; 75 m;
  - \* shooting range; 75 m;
  - \* kennel; 75 m;
  - \* feed lot: 75 m;
  - \* a structure (other than a feed lot) for the keeping of animals (does not include a fence): 30 m
  - \* feeding or drinking trough: 15 m;
- .3 minimum siting of other buildings, structures or uses from parcel lines:
- \* front and rear parcel lines: 10 metres;
  - \* side parcel line: 2 metres;
  - \* exterior side parcel line 4.5 metres
- .4 minimum area of parcels to be created by subdivision: 60 hectares;
- .5 minimum servicing standard: on-site sewage disposal;  
on-site water supply.
- .6 maximum height for:
- \* principal buildings and structures 11.5 m (37.73 ft.)
  - \* accessory buildings 10 m (32.81 ft.)

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.

#### LIST OF REPORT(S) / DOCUMENT(S):

1. Maps: Location, OCP/Zoning, Soils, ALR History, Orthophotograph	Attached to APC report: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>
2. Proposed Subdivision	Attached to APC report: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>
3. Application	Attached to APC report: <input type="checkbox"/>	Available from Staff: <input checked="" type="checkbox"/>

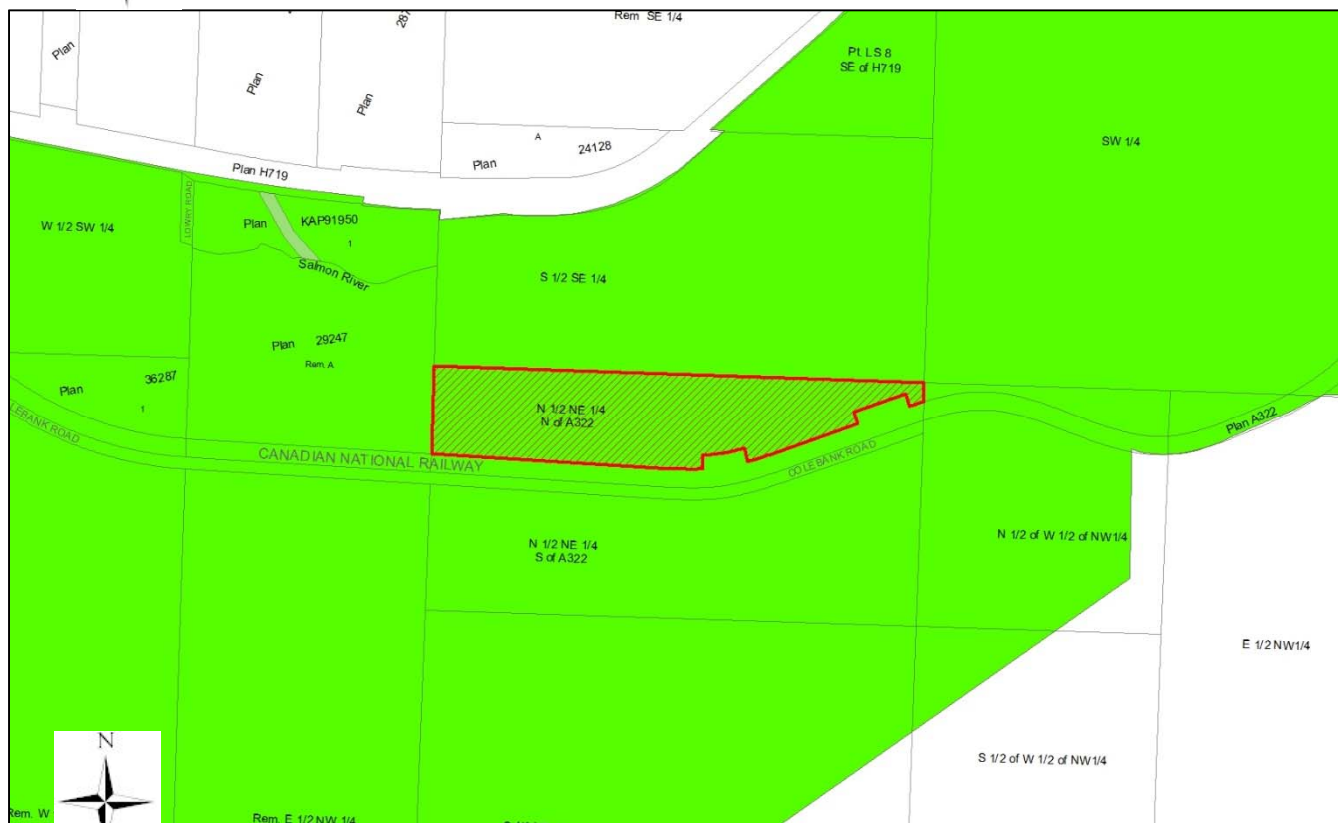
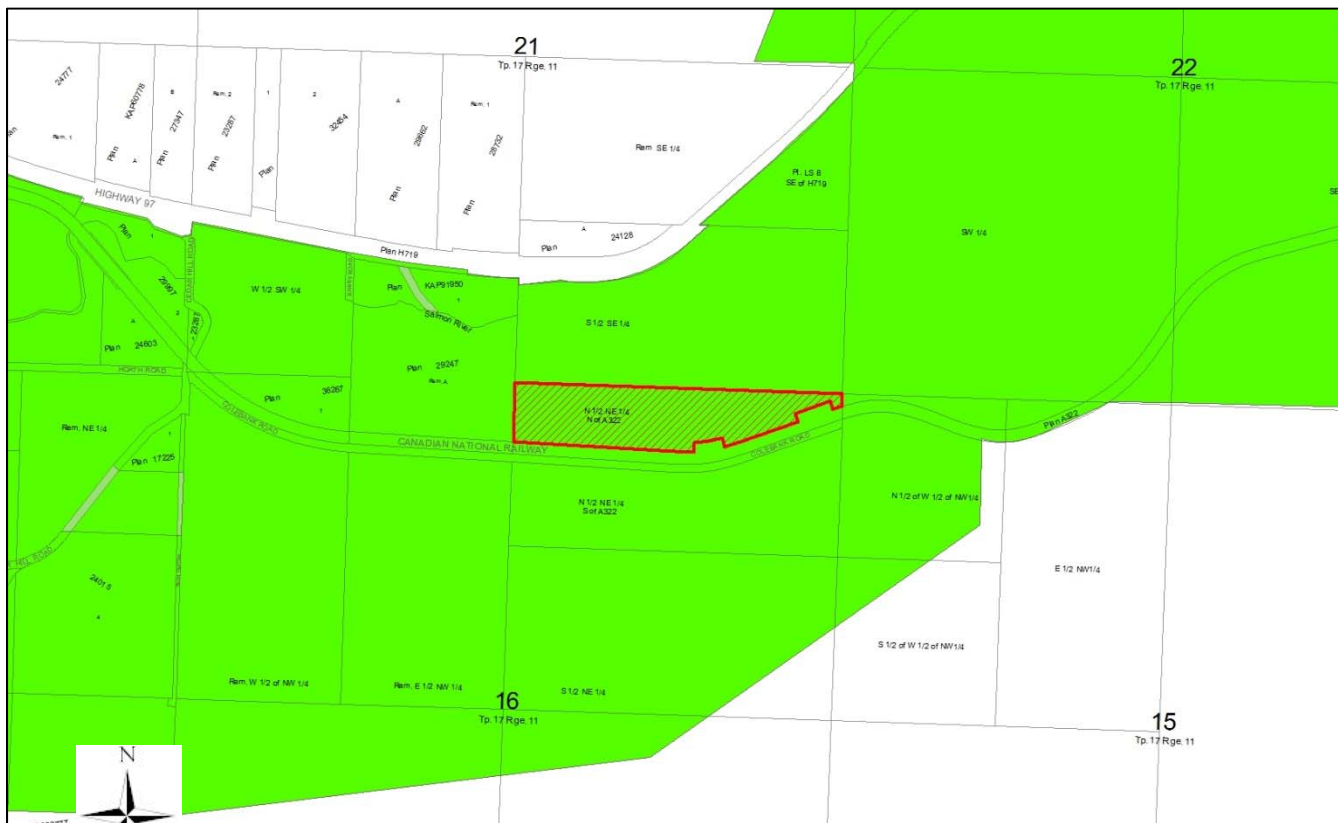
#### COMMUNICATIONS:

This application has been referred to APC 'C', MoT, and CPR.

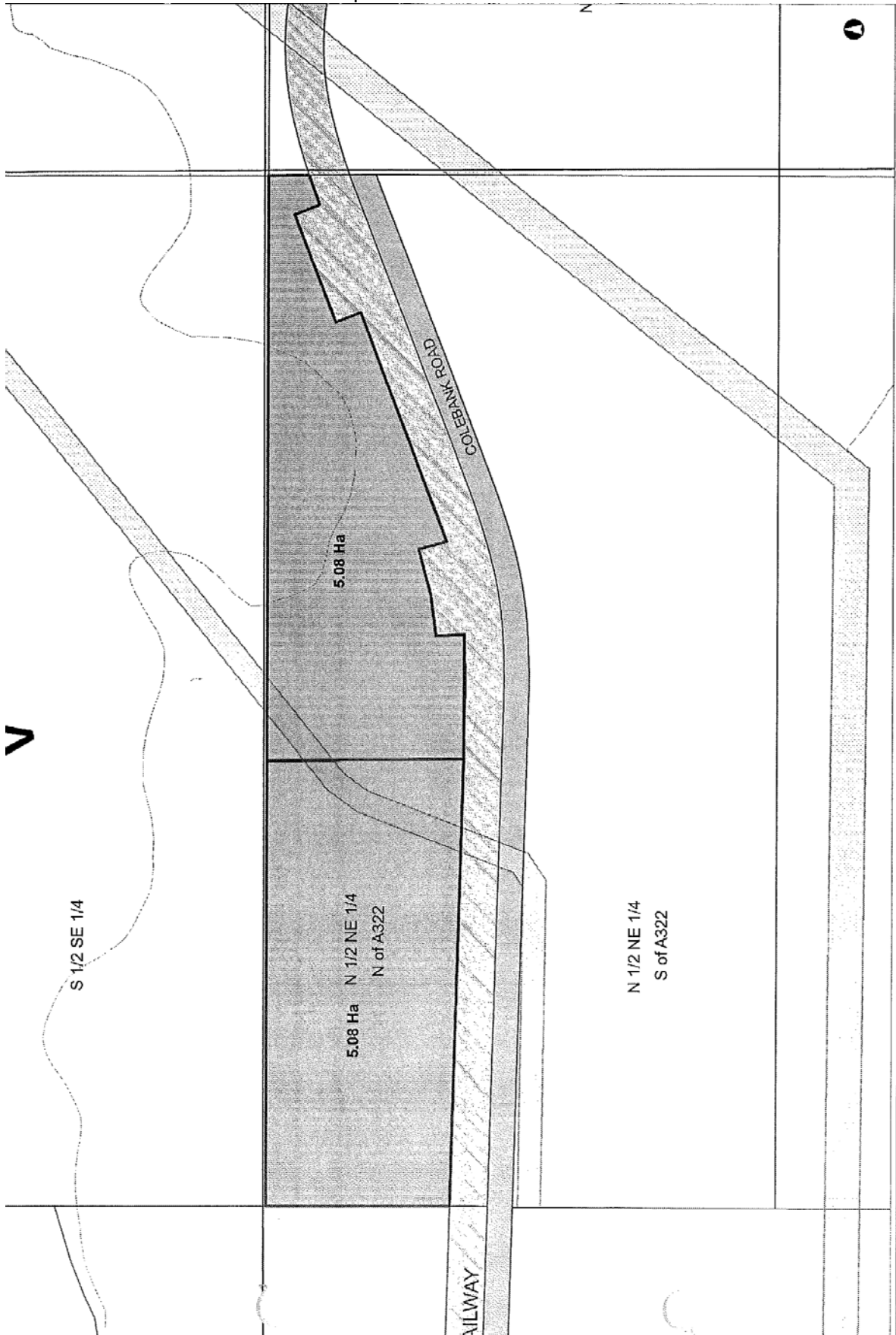
Respectfully submitted,

Dan Passmore  
Senior Planner

# Location

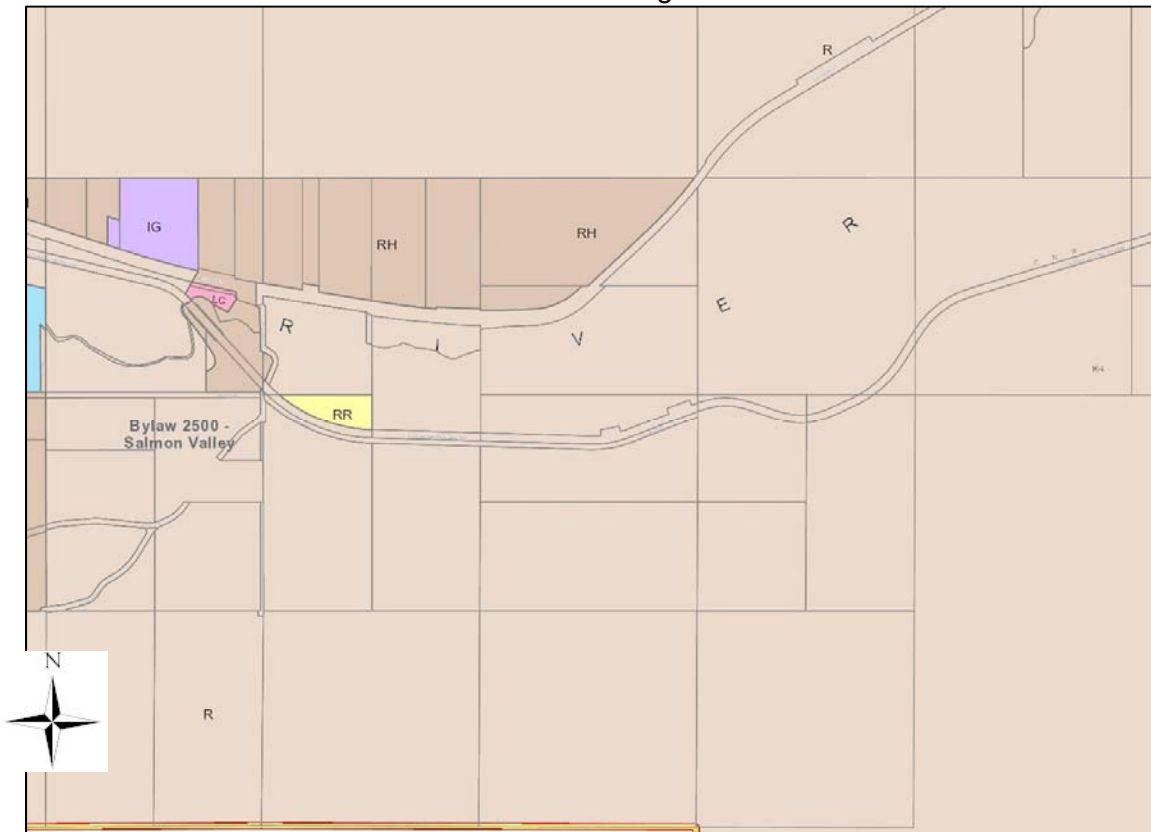


Proposed Subdivision Plan

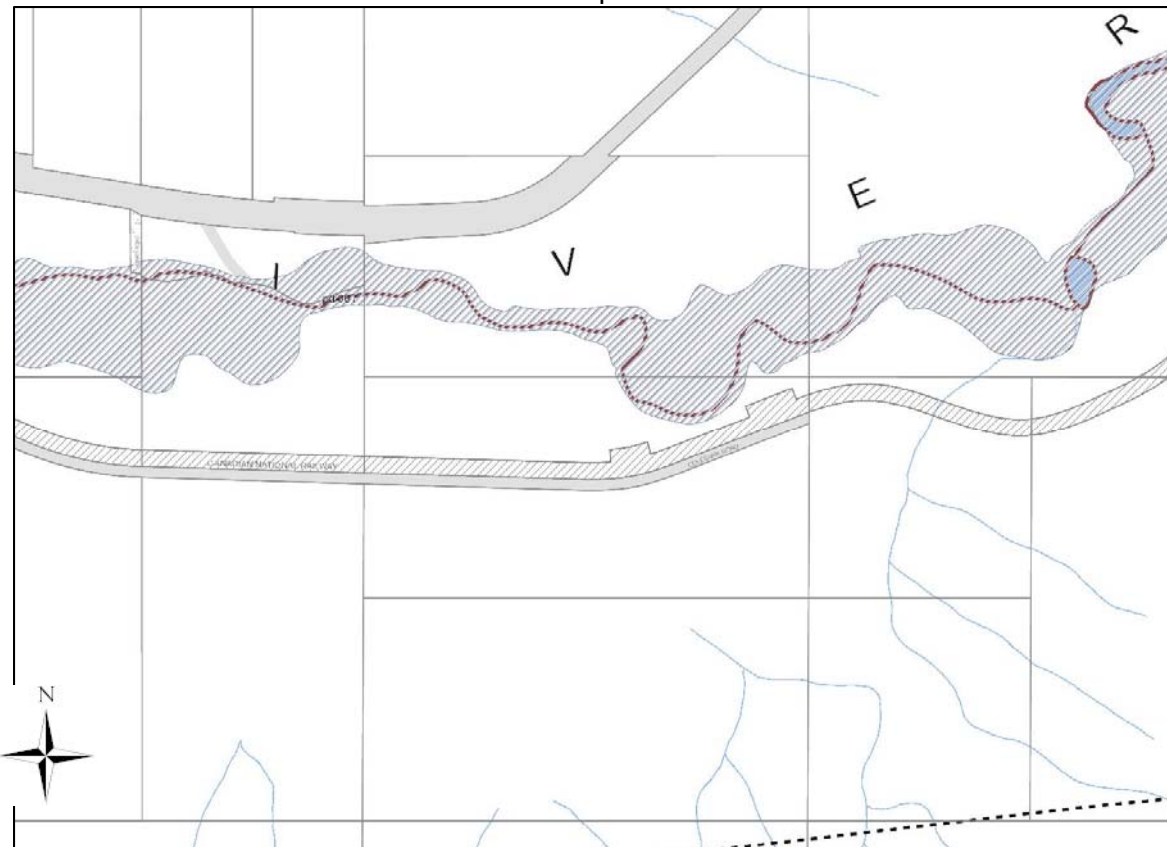




OCP/Zoning



Floodplain



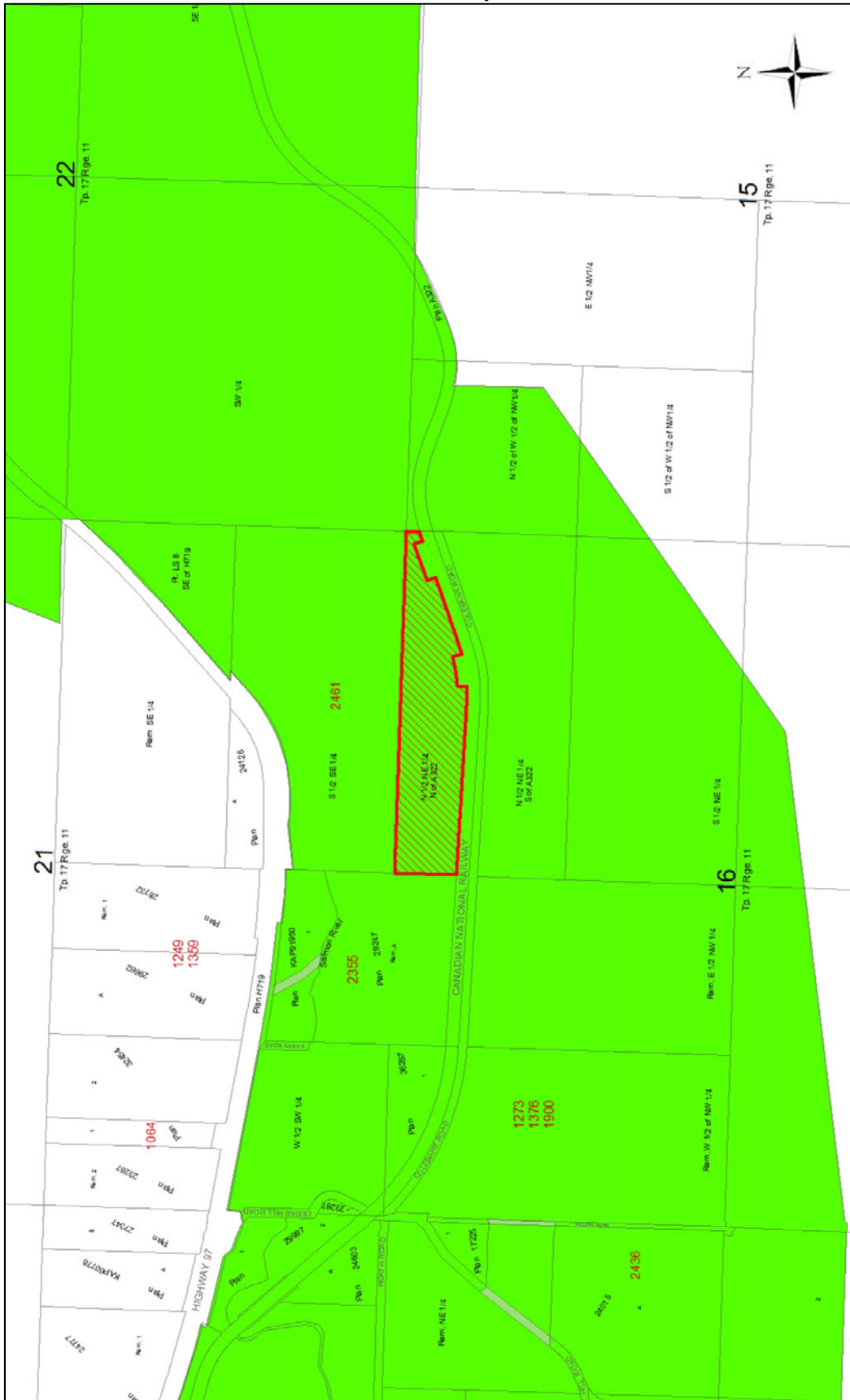
This aerial map shows the study area in Teton, Wyoming. The town of Teton is visible in the upper right corner. The study site is marked by a red rectangle in the lower center of the map. The map includes a north arrow and a scale bar.



Orthophotograph



# ALR History



\*Numbers on map refer to historic application numbers as noted in the report.