

ALR Information Package

File Number: 3015-20/L20200004

☐ Subdivision 21(2) ☐ Non-Farm Use 20(2) ☐ Exclusion 30(1) ☒ Inclusion 17(3)

☐ Non-Adhering Residential Use 20.1(2) ☐ Soil or Fill Use 20.3(5)

Electoral Area: L

Date of Referral: January 28, 2020

Date of Application: January 18, 2020

Property Owner's Name(s): Mary Chell, Stephen Kline and Jeff Kline

Applicant's Name: Jeff Kline

SECTION 1: Property Summary

Legal Description(s): Lot A, District Lot 4051, Lillooet District, Plan KAP61838, Except Plan KAP61839

Area of Application: 1.87 ha (4.63 ac)

Location: 6640 Perrey Road

Current Designation:

Rural Residential

Current Zoning:

Rural 2 (RR 2)

Current Land Use: BC Assessment - 063 – 2 Acres Or More (Manufactured Home)

Agricultural Capability Classification:

Canada Land Inventory: Class 1 = Best, Class 7 = Worst

% of parcel
100%

Unimproved rating
70% Class 5 – Adverse Climate

Improved rating
No improved rating

30% Class 05 – Excess Water

No improved rating

The agricultural capability classification of the property is Class 5 and Organic Soil Class 05. The limiting factors are noted as Adverse Climate and Excess Water. Class 5 and 05 soils are capable of producing perennial forage crops or other specially adapted crops. Productivity of these suited crops may be high. Class 5 and 05 lands can be cultivated, and some may be used for cultivated field crops provided unusually intensive management is employed and/or the crop is particularly adapted to the conditions peculiar to these lands. Cultivated field crops may be grown on some Class 5 and 05 land where adverse climate is the main limitation, but crop failure can be expected under average conditions. Soil and/or climate limitations are Adverse Climate which puts thermal limitations to plant growth; and excess water other than from flooding which may be due to poor drainage, high water tables, seepage, and runoff from surrounding areas.

note: the information above is an interpretation of Agricultural Capability from the Canada Land Inventory mapsheet #93B/16 (scale 1:50,000). An on-site visit of the property has not been conducted.

Proposed Use: To be included into the Agricultural Land Reserve in order to produce cannabis.

SECTION 2: Planning Report

Background:

The applicant is proposing a 1.87 ha (4.63 ac) rural residential property for inclusion into the Agricultural Land Reserve (ALR) to facilitate cannabis production. The subject property is currently zoned as Rural 2 (RR 2) in the South Cariboo Area Zoning Bylaw No. 3501, 1999 and is designated Rural Residential in the South Cariboo Area Official Community Plan Bylaw No. 5171, 2018.

The proposed cannabis production facility does not comply with the permitted land use provisions under the current Rural 2 (RR 2) zone. The applicant applied to rezone the parcel to a Special Exception Heavy Industrial (M 3-1-2) zone to permit a 375 sq. m. (4036.5 sq ft) indoor cannabis production facility, which was rejected by the CRD Board at the December 6, 2019 meeting (File 3360-20/20190052).

Cannabis production is considered an agricultural use within the ALR. Under the Agricultural Land Reserve Use Regulation (BC Reg. 30/2019) local governments are permitted to prohibit most forms of cannabis production within the ALR, with the exception of growing cannabis outdoors in a field or in a structure with a base made entirely of soil (such as a hoop greenhouse). This is the case in the CRD. The intent of the applicant is unclear, as the proposal is identical to their rezoning application - to construct an approximately 375 sq. m (4036.5 sq. ft) cannabis production facility - which would remain prohibited if the parcel is included in the ALR.

Location and Surroundings:

The subject property is located on Perrey Road, north of Lone Butte, with Horse Lake located to the north of the property as shown in Appendix C. Currently, there are two sheds, a 148.6 sq. m (1599.52 sq. ft) residential dwelling, and a shed attached with a carport existing on the property. It is mostly surrounded by rural residential lots with an Agricultural Land Reserve (ALR) parcel to the west of the subject property.

CRD Regulations and Policies:

5171- South Cariboo Area Official Community Plan Bylaw, 2018

6.0 AGRICULTURE

6.2 OBJECTIVES:

6.2.3 Protect agricultural land by maintaining large parcel areas which can economically sustain agricultural production.

6.3 POLICIES:

The Cariboo Regional District Board will:

- 6.3.6 Support edge planning (e.g. buffers, fencing, minimum interface lot sizes) policy as identified in the 2016 CRD Agricultural Policy.
- 6.3.7 Maintain a minimum parcel size of 32 hectares for land designated as Agriculture except for the subdivision of land:
 - i. In compliance with the Homesite Severance policy of the ALC;
 - ii Divided by a major road with a right of way width greater than 30 metres; and
 - iii For parkland dedication purposes.

CRD Agricultural Policy PL3.6 (2016)

4.0 GENERAL POLICIES

- f) Larger parcels are encouraged for subdivision in the ALR, such as the 32 ha (79.07 ac) minimum lot size requirement referenced in Official Community Plans Agricultural Designation or as approved by the Agricultural Land Commission.

Rationale for Recommendations:

Planning staff are not supportive of the proposed ALR inclusion application. Both the South Cariboo OCP and the CRD Agricultural Policy recommend a minimum lot size of 32 ha (79 ac) for agricultural parcels.

In 2017, numerous parcels in the south Horse Lake area, including those on Perrey Road to the north of the subject property were endorsed by the Agricultural Land Commission (ALC) for future *exclusion* from the ALR (ALC Resolution #2656/2017), as shown in the map on Appendix C. The parcels identified for exclusion from the ALR are similar in size and use to the subject property and therefore further supports an argument for the subject property to remain rural residential in use, and not be included within the ALR.

In addition, CRD Zoning Bylaws only permit cannabis production within the ALR to be located outdoors in a field or in a structure with a base made entirely of soil (such as a hoop greenhouse). Should the applicant proceed with such an outdoor facility, control of the potential odour impacts on neighbouring properties would be difficult, if not impossible. Further, if this parcel were included into the ALR and used for outdoor cannabis production, it would likely be protected by the *Farm Practices Protection (Right to Farm) Act*, where agricultural uses are protected from most nuisance complaints by neighbouring residents.

Broadly speaking, Planning staff are supportive of the potential economic diversification opportunities offered by the legal production of cannabis, however these uses should be directed to industrial properties where the water and power demands, and potential nuisances associated with cannabis production can be adequately managed.

In the proposal at hand, staff recommend the application not be forwarded to the ALC for consideration of inclusion into the ALR, as it is likely to have negative impacts on surrounding residential properties. Further, the proposal does not align with policies contained within the South Cariboo OCP and the CRD Agricultural Policy.

Recommendation:

1. That the Provincial Agricultural Land Commission application for inclusion into the Agricultural Land Reserve, pertaining to Lot A, District Lot 4051, Lillooet District, Plan KAP61838, Except Plan KAP61839, be rejected and not be submitted to the Provincial Agricultural Land Commission.

SECTION 3: Referral Comments

Advisory Planning Commission: February 3, 2020

See attached.

SECTION 4: Board Action

Date of Meeting:

ATTACHMENTS

Appendix A: Application

Appendix B: Local Government Report

Appendix C: General Map

Appendix D: Specific Map

Appendix E: Orthographic Map

Other: Advisory Planning Commission Comments



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 60242

Application Status: Under LG Review

Applicant: Jeff Kline

Agent: Jeff Kline

Local Government: Cariboo Regional District

Local Government Date of Receipt: 01/18/2020

ALC Date of Receipt: This application has not been submitted to ALC yet.

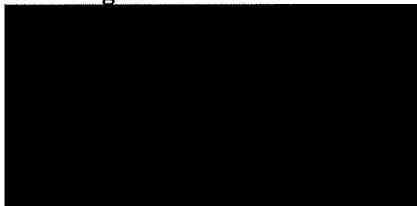
Proposal Type: Inclusion

Proposal: I would like to be included to have a micro grow for cannabis. I have tried with the Cariboo District to rezone for the required heavy industrial(That is a wrong description to begin with, and it was rejected). Cannabis is a legal farm product and all land to the west is agricultural land butting up to my property. It will be done inside a structure with a Health Canada License. I am planning a greenhouse that is sealed to prevent odor. This will give me a full time job and employ 3-4 full time personnel and some part time personnel. It will preserve the land as i will use helical screw piles for foundation. This is a beautiful piece of land deserves to be preserved and not with a Heavy Industrial Zoning.

Agent Information

Agent: Jeff Kline

Mailing Address:



Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 024-147-982

Legal Description: Lot A Plan KAP61838, District Lot 4051, Lillooet Land District, Except Plan Kap61839

Parcel Area: 1.9 ha

Civic Address: 14923 67a avenue

Date of Purchase: 06/23/2008

Farm Classification: No

Owners

1. **Name:** Jeff Kline

Address:



Applicant: Jeff Kline



Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

No agriculture

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

No Agricultural Improvements

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

House and 2 storage sheds and 1 storage shed with carport

Adjacent Land Uses

North

Land Use Type: Residential

Specify Activity: Rural residential and Agriculture

East

Land Use Type: Residential

Specify Activity: Rural residential and agriculture

South

Land Use Type: Agricultural/Farm

Specify Activity: Rural residential

West

Land Use Type: Agricultural/Farm

Specify Activity: Agriculture

Proposal

1. How many hectares are you proposing to include?

1.9 ha

2. What is the purpose of the proposal?

I would like to be included to have a micro grow for cannabis. I have tried with the Cariboo District to rezone for the required heavy industrial(That is a wrong description to begin with, and it was rejected). Cannabis is a legal farm product and all land to the west is agricultural land butting up to my property. It will be done inside a structure with a Health Canada License. I am planning a greenhouse that is sealed to prevent odor. This will give me a full time job and employ 3-4 full time personnel and some part time personnel. It will preserve the land as i will use helical screw piles for foundation. This is a beautiful piece of land deserves to be preserved and not with a Heavy Industrial Zoning.

Applicant: Jeff Kline

3. Does the proposal support agriculture in the short or long term? Please explain.

Long term. The greenhouse created would accommodate any other crop. It is possible to add a few more greenhouses also. Which i would ideally be looking to add another greenhouse in the future as my business grows.

4. Describe any improvements that have been made to, or are planned for the parcel proposed for inclusion.

The plan is to add one greenhouse 2150 square feet. Devote time to upgrading and improving the property.

Applicant Attachments

- Agent Agreement - Jeff Kline
- Proposal Sketch - 60242
- Other correspondence or file information - picture of proposal
- Certificate of Title - 024-147-982

ALC Attachments

None.

Decisions

None.

APPLICANT/AGENT INFORMATION (if different from owner)			
Name(s): <u>Stephen Kline and Mary Chell</u>			
Mailing Address: <u>1645 Hay Road</u>			
<u>Revelstoke</u>			
Province: <u>B.C.</u>	Postal Code: <u>VOE 2S1</u>	Email: <u>mchell24@hotmail.com</u>	
Phone (w):	Phone (c): <u>250-837-8811</u>	Phone (h):	Fax:
AGENT DECLARATION			
<p>If the registered owner(s) of the subject property elects to have someone act as an agent on their behalf regarding this application, this section must be completed. By completing this section the registered owner(s) understands that the Agent will be the point of contact with the CRD.</p> <p>I/We, <u>Stephen Kline and Mary Chell</u> the registered owner(s) of the noted property hereby authorize <u>JEFF KLINE</u> to act on my (our) behalf as agent in respect to this application.</p>			
<u>Steve Kline</u> Owner		<u>Mary Chell</u> Owner	
<u>23/09/19</u> dd mm yy		<u>23/09/19</u> dd mm yy	
LAND USE INFORMATION (Add additional pages if necessary)			
Legal Description:			
PID:	Property Size (ha):	Area under application (ha):	
Civic Address:			
Existing Zoning/ Rural Land Use Bylaw:		Existing Zone(s):	
Existing OCP:		Existing Designation(s):	
Current Buildings:		Proposed Buildings:	

TITLE SEARCH PRINT

File Reference:

Declared Value \$ 150000

2019-08-26, 08:47:36

Requestor: Jeff Kline

****CURRENT AND CANCELLED INFORMATION SHOWN******Land Title District**

Land Title Office

KAMLOOPS

KAMLOOPS

Title Number

From Title Number

CA824540

KR57164

Application Received

2008-06-23

Application Entered

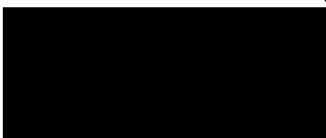
2008-06-26

Registered Owner in Fee Simple

Registered Owner/Mailing Address:

MARY ELIZABETH CHELL, BUSINESSWOMAN

STEPHEN EDWARD KLINE, PLUMBER



Registered Owner/Mailing Address:

JEFFORY JAMES KLINE, MACHINE OPERATOR

**Taxation Authority**

Cariboo Assessment Area

Description of Land

Parcel Identifier:

024-147-982

Legal Description:

LOT A DISTRICT LOT 4051 LILLOOET DISTRICT PLAN KAP61838 EXCEPT
PLAN KAP61839**Legal Notations**

NONE

Charges, Liens and Interests

Nature:

MORTGAGE

Registration Number:

CA824541

Registration Date and Time:

2008-06-23 11:34

Registered Owner:

ROYAL BANK OF CANADA

Duplicate Indefeasible Title

NONE OUTSTANDING

TITLE SEARCH PRINT

File Reference:

Declared Value \$ 150000

2019-08-26, 08:47:36

Requestor: Jeff Kline

Transfers

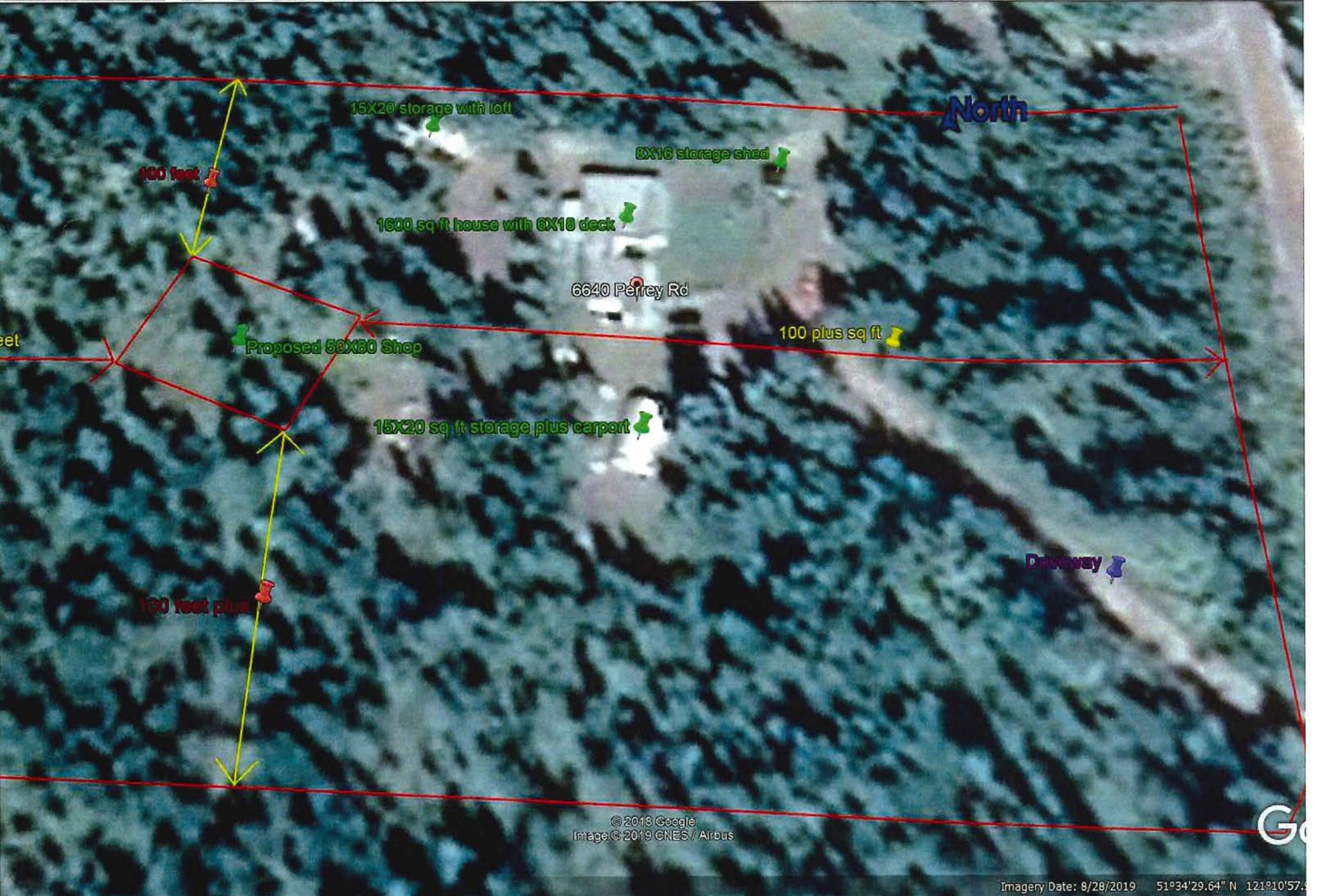
NONE

Pending Applications

NONE

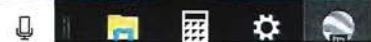
Corrections

NONE



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Image © 2019 CNES / Airbus

Imagery Date: 8/28/2019 51°34'29.64" N 121°10'57.3"





**Local Government Report
under the Agricultural Land Reserve
Use, Subdivision and Procedure Regulation**

R.D./Mun. File No. 3015-20/2020004
Fee Receipt No.
Fee Amount \$
ALR Base Map No. 092P055
ALR Constituent Map No.
Air Photo No.

Information supplied by:

Cariboo Regional District

Local Government

In respect of the application of:

Jeff Kline

Name of Applicant

PLANS and BYLAWS (*Attach relevant sections of bylaws*)

Zoning Bylaw name and designation: Rural 2 (RR 2) 3501 South Cariboo Area Zoning Bylaw, 1999

Minimum Lot Size: 2 ha (4.94 ac)

Uses permitted: *See Attached Bylaw Section 5.19*

Official Community Plan Bylaw and current designation: Rural Residential 5171 South Cariboo Area Official Community Plan Bylaw, 2018

Minimum Lot Size: 0.8 ha (1.97 ac)

Conformance: Yes

Are amendments to Plans or Bylaws required for the proposal to proceed?

Plan ☐ Yes ☒ No Bylaw ☐ Yes ☒ No

Is authorization under Sec. 25 (3) or 30 (4) of the Agricultural Land Commission Act required?

☐ Yes (*If yes, please attach resolution or documentation*) ☒ No

COMMENTS AND RECOMMENDATIONS (*Include copies of resolution*)

Board or Council:

Advisory Planning Commission:

Agriculture Advisory Committee:

Planning staff:

Others:

Signature of Responsible Local Government Officer

Date

5.19 RURAL 2 (RR 2) ZONE

5.19.1 USES PERMITTED

No person shall, within any RR 2 zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following RR 2 uses, namely:

B/L 4989

(a) **RESIDENTIAL USES:**

- i) a single-family residential dwelling; or
- ii) a two-family residential dwelling unit / duplex; or
- iii) one (1) secondary suite and must be subordinate to a single-family residential dwelling, or
- iv) one (1) carriage house and must be subordinate to a single-family residential dwelling.
- v) a temporary dwelling unit in conjunction with a single-family residential dwelling.

(b) **NON-RESIDENTIAL USES:**

- i) a community facility, including a community hall, fire hall, library, school, church, medical clinic or first aid station, and buildings associated with the operation and maintenance of an airplane landing strip or helicopter pad;
- ii) airplane landing strip or helicopter pad;
- iii) a public use, including public utility buildings and structures;
- iv) parks, playgrounds and outdoor recreation facilities of a non-commercial nature;
- v) a home occupation or a home industry ancillary to a permitted residential use;
- vi) bed and breakfast accommodations or rooming and boarding accommodations ancillary to a permitted residential use;
- vii) museum, historic site, or cemetery;
- viii) refuse disposal site;
- ix) kennel or animal hospital;
- x) Farm Retail Sales;
- xi) the processing of farm products may take place on the farm property provided that at least 50% of the farm product is produced on that farm;
- xii) agri-tourism activities, other than accommodation, on land that is classified as a farm under the *Assessment Act*, if the use is temporary and seasonal, and promotes or markets farm products grown, raised or processed on the farm;
- xiii) a horse boarding centre, on land that is classified as a farm under the *Assessment Act*, provided that the stables do not have more than 40 stalls and the facility does not contain a racetrack licensed by the British Columbia Racing Commission;
- xiv) agricultural operations, ancillary to a permitted residential use including

B/L 4180

B/L 4180

B/L 4180

B/L 4180

B/L 4180

B/L 4180	xv)	horticulture, silviculture, livestock, beekeeping and aquaculture; slaughtering and butchering ancillary to a permitted residential use or agricultural operation, providing such slaughtering and butchering is limited to only those animals produced on the property, or conducted for personal consumption by the owner, provided the activity is in conformance with applicable provincial and federal legislation;
B/L 4180	xvi)	growing, tending and harvesting of trees produced on the property;
B/L 4237	xvii)	portable sawmill, providing such activities are located no closer than 30 metres (98.4 feet) from an existing residential use on an adjacent or nearby property;
	xviii)	extraction of raw materials from the land, including crushing and screening activities, but excluding any further processing activities;
	xix)	temporary construction, exploration or logging camp operated by or on behalf of a government agency or department, or by a registered company, for the temporary living accommodation of its employees, provided the method by which sewage is to be disposed of is satisfactory to the Medical Health Officer. On completion of the project concerned, the camp shall be removed and the site restored to a satisfactory condition;
	xx)	trapping and guide camps, except main lodges;
	xxi)	ancillary buildings.

5.19.2 ZONE PROVISIONS

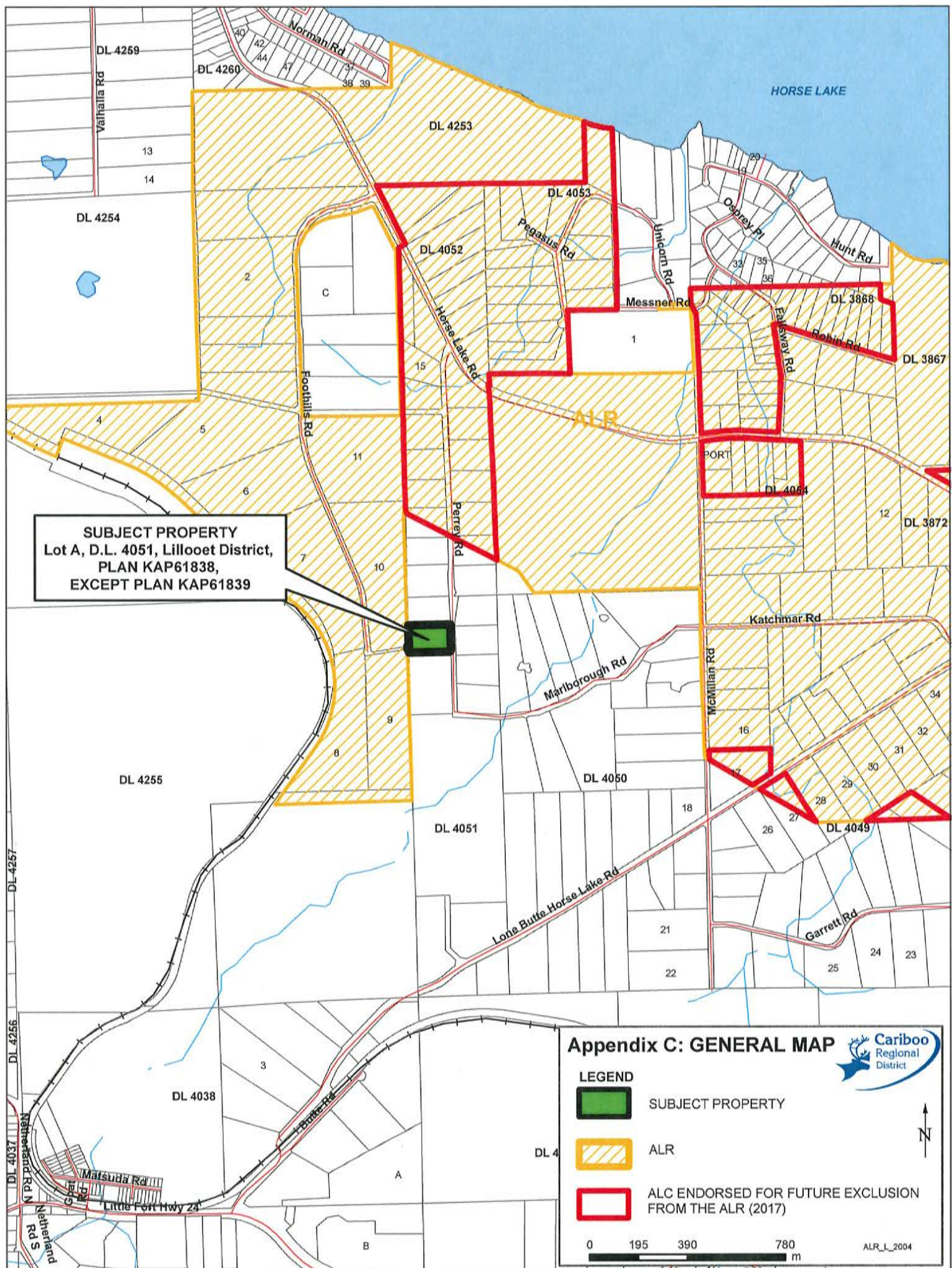
No person shall, within any RR 2 zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

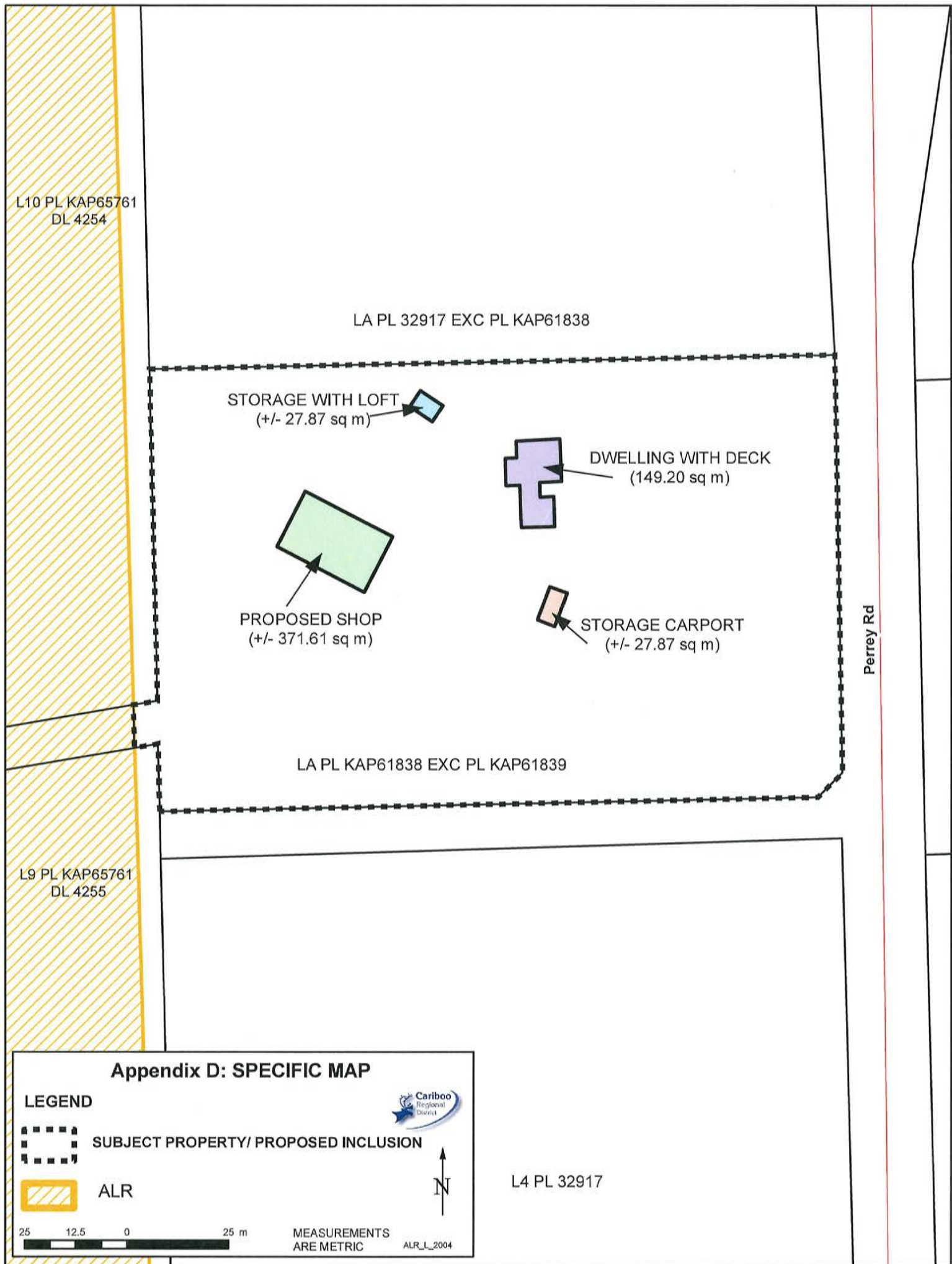
	(a)	LOT AREA (minimum):	= 2 hectares (4.94 acres)
	(b)	REQUIRED YARDS (minimum):	
	i)	Front Yard - Setback	= 7.6 metres (24.9 feet)
	ii)	Exterior Side Yard - Setback	= 7.6 metres (24.9 feet)
B/L 4180		Notwithstanding the above, where abutting a lake access road the exterior side yard – setback may be reduced to 4.57 metres (15 feet).	
	iii)	Interior Side Yard - Setback	= 7.6 metres (24.9 feet)
	iv)	Rear Yard - Setback	= 7.6 metres (24.9 feet)
B/L 4180		Notwithstanding the above, if rear or side lot line abuts a lake or watercourse, the Lake/Watercourse Setback Provisions shall apply.	
B/L 4180	(v)	Notwithstanding the above, on lots where a kennel, boarding facility, animal hospital or veterinary clinic is located the required setbacks shall be as follows:	
	i)	Front Yard – Setback	= 30 metres (98.4 feet)
	ii)	Exterior Side Yard – Setback	= 30 metres (98.4 feet)
B/L 4237	iii)	Interior Side Yard – Setback	= 30 metres (98.4 feet)
B/L 4237	iv)	Rear Yard – Setback	= 30 metres (98.4 feet)

- (c) LOT COVERAGE (maximum): = 20%
- (d) DWELLINGS PER LOT (maximum):
Notwithstanding the provisions of section 5.18.1(a) above, additional dwellings in conjunction with bona fide agricultural operations may be located on a lot provided the lot contains a minimum of 4 hectares (9.88 acres) for each additional dwelling.
- (e) WATERFRONTAGE (minimum): = 45.5 metres (149.3 feet)
- (f) HEIGHT OF BUILDINGS (maximum): = 10.67 metres (35 feet)
- (g) GUEST ACCOMMODATION (maximum):
Guests or visitors may be accommodated in a maximum of two recreational vehicles in conjunction with a residential use during any six month period of a calendar year, wherein the recreational vehicles shall not be rented to the guests by the owner or occupier of the lot.
- (h) ANCILLARY USES, PARKING, LOADING, ETC.:
In accordance with the provisions of Section 4.0 hereof.

5.19.3 SPECIAL RR 2 ZONES

- 5.19.3.1 Special Exception RR 2-1 Zone (4600-20-1852)
Notwithstanding any other provisions of this bylaw to the contrary, on lands zoned RR 2-1:
 - i) the permitted non-residential uses shall be limited to the extraction of raw materials from the land, including crushing and screening activities, but excluding any further processing activities.
 All other provisions of the RR 2 zone shall apply.





Appendix D: SPECIFIC MAP

LEGEND



SUBJECT PROPERTY/ PROPOSED INCLUSION



ALR



25 12.5 0 25 m

MEASUREMENTS
ARE METRIC

ALR_L_2004

Appendix E: GENERAL MAP



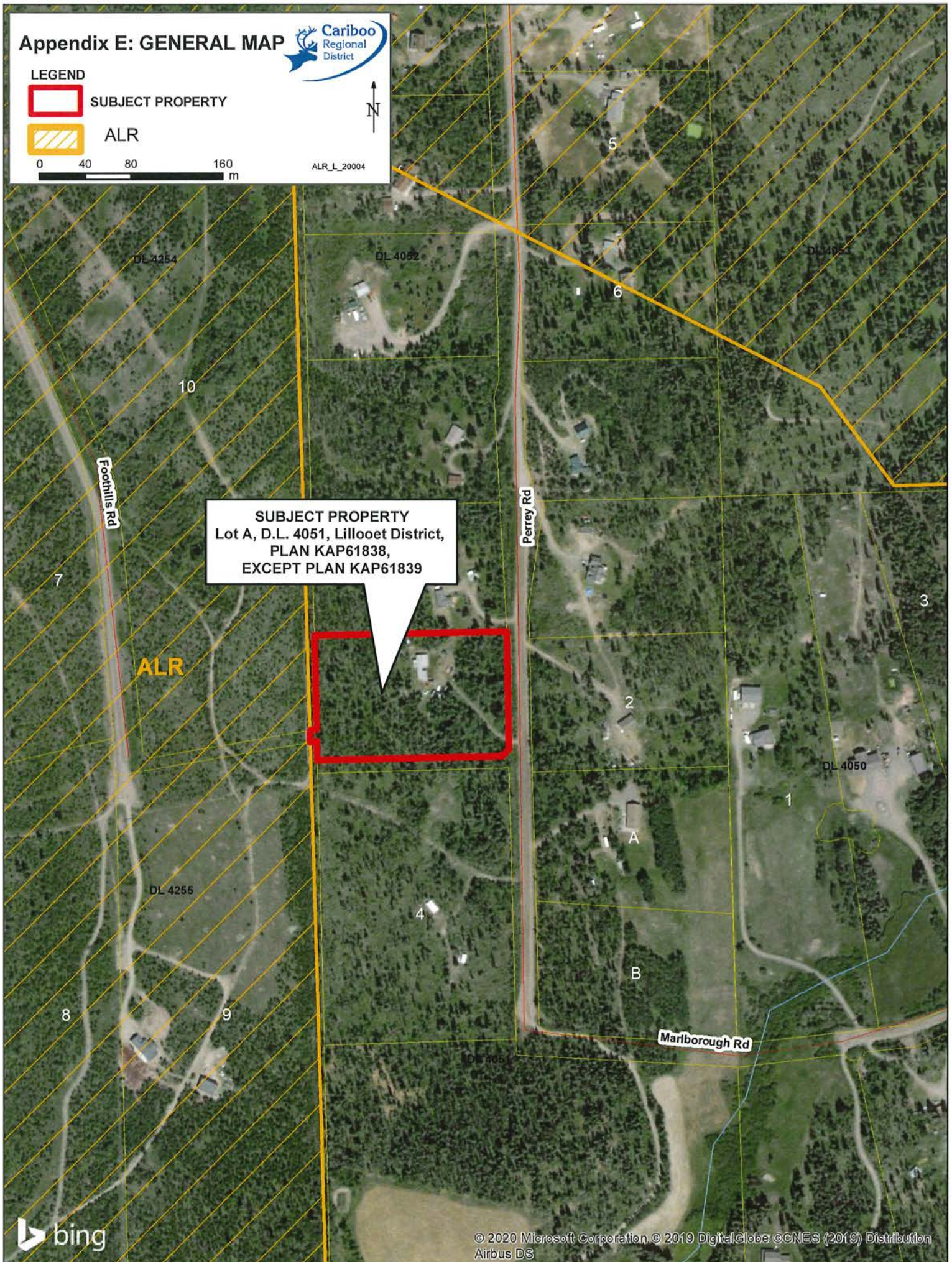
LEGEND

 SUBJECT PROPERTY

 ALR

0 40 80 160 m

ALR_L_20004



ADVISORY PLANNING COMMISSION RESPONSE FORM

FEB 04 2020

Minutes of the meeting of the Electoral Area 'L' advisory planning commission held on Feb 3/20 in the Lone Butte Fire Hall, located at 6060 Hwy #24, BC, commencing at

PRESENT:

Chair ALAN BOYD

Members URSULA HART, JUSTIN GUIMOND, CHRIS LANCE, STEVEN BROWN, PETER BOWTER

Recording Secretary JON GREVE

Owners/Agent, or

☒ Contacted but declined to attend

- ART GUIMOND

ABSENT: - INGA VOLWT

- WILLIAM MACDONALD

ALSO PRESENT: Electoral Area Director

Staff support (if present) NOT PRESENT

Agenda Items

APPLICATION UNDER THE LAND COMMISSION ACT – 3015-20/L20200004 (Lot A, District Lot 4051, Lillooet District, Plan KAP61838, Except Plan KAP61839)

CHRIS LANCE / PETER BOWTER : "THAT the application for submission to the ALC at 6640 PERREY ROAD be supported/rejected for the following reasons:

- i) INAPPROPRIATE FOR THE RESIDENTIAL AREA. MEMBERS OF COMMUNITY HAVE BOUGHT IN AREA FOR BENEFIT OF NO COMMERCIAL USE.
- ii) DECREASE IN PROPERTY VALUE, DUE TO ODDOR.

* A LOT OF UNANSWERED QUESTIONS WITH NON ATTENDANCE BY OWNER.

For: 7

Against: 0

CARRIED/DEFEATED

Termination

ALAN BOYD / JUSTIN GUIMOND That the meeting terminate.

CARRIED

Time: 20:15

Recording Secretary

Chair