

#### **Planning Application Information Sheet**

Application Type: Agricultural Land Reserve File Number: 3015-20/L20230010 ALR Application Type: Subdivision 21(2) Electoral Area: L Date of Referral: February 23, 2023 Date of Application: February 06, 2023

Property Owner's Name(s): EDWARD S KENDALL REBECCA L KENDALL

Applicant's Name:

Cariboo Geographic Systems

#### **SECTION 1: Property Summary**

**Legal Description(s):** The Fractional South 1/2 of the South 1/2 of District Lot 1919, Lillooet District, Except Plan 26063 and KAP90830, and Lot 1, District Lot 1919, Lillooet District, Plan KAP90830

Property Size(s): 69.0313 ha (170.58 ac.)

Area of Application: 69.03 ha (170.6 ac.)

Location: 6429 Eden Road

**Current Designation:** Agriculture, Rural Holding Min. Lot Size Permitted: 32 ha (79.07 ac.), 4 ha (9.88 ac.)

**Current Zoning:** Resource/Agricultural (RA 1) Min. Lot Size Permitted: 32 ha (79.07 ac.)

**Proposal:** To subdivide the land north of Little Green Lake Rd and consolidate the remainder with the lot to the south of the remainder by entering into a restrictive covenant that binds the titles together. The subdivided land is not used for agriculture and the remainder of the subdivided lot will continue to be used for agriculture.

Proposed Lot A - 6.6 ha (16.31 ac.)

Proposed Remainder Lot 1 - 28.1 ha (69.44 ac.) Southern Property - 34.332 ha (84.836 ac.)

Existing Buildings: Two Residential dwellings, garage, shop, cabin, barn and ancillary buildings.

Proposed Buildings: None.

Road Name: Little Green Lake Road and Eden Road Road Type: Gravel/Dirt Road Within the influence of a Controlled Access Highway: N/A Services Available: Hydro, telephone, well and septic.

Within the confines of the Agricultural Land Reserve: Yes - fully within

**Required to comply with the Shoreland Management Policy**: Yes - Riparian and Septic **Name of Lake/Contributing River:** Watch Lake and unnamed streams **Lake Classification**: High

Within Development Permit Area: Yes Development Permit Area Name: Riparian Development Permit Area

Adjoining Properties: (Source: B.C.A.A.)

	Land Use:	Lot Sizes:
(a) North	Crown Land	149 ha (368.19 ac.)
(b) South	000, Single Family Dwelling 032, Residential Dwelling with Suite	0.45 ha -0.63 ha (1.1 ac - 1.55 ac.)
(c) East	150, Beef	82.3 ha (203.37 ac.)
(d) West	150, Beef Crown Land	60.58 ha (149.69 ac.)

#### Agricultural Capability Classification:

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

% of parcel	Unimproved rating	Improved rating
100%	60% Class 5- Stoniness / Topography	60% Class 4- Stoniness / Topography
	40% Class 4- Topography	40% Class 3- Topography

The agricultural capability classifications of the property are Class 4 and Class 5. The limiting factors are noted as topography and Stoniness.

Land in Class 4 has limitations which make it suitable for only a few crops, or the yield for a wide range of crops is low, or the risk of crop failure is high, or soil conditions are such that special development and management practises are required. The limitations may seriously affect one or more of the following practises: timing and ease of tillage, planting and harvesting, and methods of soil conservation.

Class 5 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 land where adverse climate is the main limitation, but crop failure can be expected under average conditions.

The improved ratings for the property are Class 3 and Class 4. The limiting factors are noted as stoniness and topography. Limitations for Class 3 are more severe than for Class 2 land and management practices are more difficult to apply and maintain. The limitations may restrict the choice of suitable crops or affect one or more of the following practices: timing and ease of tillage, planting and harvesting, and methods of soil conservation.

\*\*\* note: the information above is an interpretation of the British Columbia Soil Information Finder Tool – B.C. Agricultural Capability Map. An on-site visit of the property has not been conducted.\*\*\*

#### PLANNING COMMENTS

#### Background:

The applicant has applied for an Agricultural Land Commission (ALC) application for Subdivision. The application is to subdivide 6.6 ha (16.31 ac.) north of Little Green Lake Road and consolidate the remainder lot with the southern property by entering into a restrictive covenant that binds the titles together. The applicant has made this request because of the high cost of consolidating the land by survey and it would ensure that in the future these properties cannot be sold separately without approval because of the covenant registered on both titles. The applicant strongly believes that this is the best way to ensure the long-term agricultural viability of the land, while allowing them to subdivide off the land that cannot be used for agricultural purposes. The proposal is shown in Appendix C.

The 69.03 ha (170.6 ac.) subject properties are zoned Resource/Agricultural (RA 1) in the South Cariboo Area Zoning Bylaw No. 3501, 1999, and are designated Agriculture and Rural Holding in the Green Lake and Area Official Community Plan Bylaw No. 4641, 2012. The property is currently used for residential and agricultural purposes. There are two residential dwellings each on the northern and southern properties, along with garage, shop, cabin, barn, and other ancillary buildings. The remainder of the fenced property is cultivated for hay production and used for cattle and goat grazing.

#### Location and Surrounding:

The subject properties are located at 6429 Eden Road, with Watch Lake in proximity as shown in Appendix B. Completely within the Agricultural Land Reserve (ALR), the properties are covered in grass and trees. Due to the presence of unnamed streams on site, the properties are within the riparian development permit area that extends 30 m (98.43 ft.) from the natural boundary of the watercourse. Existing services include hydro, telephone, septic and well. There are mostly crown lands surrounding the properties to the north and west, large farmland to the east and single-family dwellings to the south of the subject properties. The Cariboo Regional District's Watch Lake refuse site is located on the crown land and in close proximity to the northern boundary.

#### CRD Regulations and Policies:

3501- South Cariboo Area Zoning Bylaw, 1999

## 5.21 RESOURCE/AGRICULTURAL (RA 1) ZONE

#### 5.21.2 ZONE PROVISIONS

(a) LOT AREA (minimum) = 32 ha (79.07 ac.)

#### Cariboo Regional District Agricultural Policy, 2016

#### 4.0 GENERAL POLICIES

(b) To support the Agricultural Land Commission in its mandate of protecting agricultural lands and agricultural opportunities.

(f) To protect agricultural lands, a minimum lot size of 4.0 hectares (9.88 acres) will be required for property being rezoned to facilitate a subdivision next to land associated with active agricultural operations or for subdivision that are adjoining the Agricultural Land Reserve's boundary. 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 supportive of the proposed ALR subdivision application. It is recognized that the proposed Lot A would have very little opportunity for agriculture from the reports of the limiting site conditions from the applicant including poor soil quality and blown down forest. It is further indicated that the topography of the proposed lot is not conducive for agricultural use as part of the overall property but may be suitable for small hobby farm use. For these reasons, this portion of the property has never been used for agriculture and all the agricultural improvements were made south of the Little Green Lake Road.

Planning staff note that Little Green Lake Road already effectively divides the subject property. This combined with the existing range of property sizes in proximity limits the impact of fragmentation. Section 4 (f) of the CRD Agricultural Policy, 2016 encourages for larger sized parcels within the ALR to have a minimum lot size of 32 ha (79.07 ac.), the proposed 28.1 ha (69.44 ac.) remainder lot when bound to the 34.3 ha (84.8 ac.) southern property will meet and exceed this requirement and will be able to be used to its full potential with the 6.6 ha (16.31 ac.) portion removed.

The Electoral Area 'L' Advisory Planning Commission (APC) has reviewed the application and expressed their support as the proposed consolidation of the remainder lot to the southern property improves the agricultural viability of the current operation.

The Ministry of Agriculture and Food (MAF) has commented that they will be discontinuing sitespecific reviews of the ALC subdivision applications for a trail period of six months. Meanwhile, the Ministry encourages consideration that subdivision in the ALR frequently results in each parcel having diminished agricultural potential and an increase in land cost per hectare due to increased residential and accessory structures. Smaller lots and increased residential structures can also increase conflict between adjacent land uses.

Should the Agricultural Land Commission approve this application, the proposed Lot A will need to be rezoned to the Rural 1 (RR 1) zone in the South Cariboo Area Zoning Bylaw, 3501, 1999 and redesignated to Rural Holding designation in the Green Lake and Area Official Community Plan Bylaw No. 4641, 2012 prior to the approval of the subdivision by the Approving Officer.

#### Recommendation:

That the Provincial Agricultural Land Commission application for subdivision pertaining to the Fractional South 1/2 of the South 1/2 of District Lot 1919, Lillooet District, Except Plan 26063 and KAP90830, and Lot 1, District Lot 1919, Lillooet District, Plan KAP90830 be authorized for submission to the Provincial Agricultural Land Commission with a recommendation for approval, subject to rezoning and OCP amendment.

#### **REFERRAL COMMENTS**

Advisory Planning Commission: March 20, 2023 See attached.

<u>Ministry of Agriculture and Food:</u> March 8, 2023 See attached.

#### ATTACHMENTS

- Appendix A: Application
- Appendix B: General Map
- Appendix C: Specific Map
- Appendix D: Orthographic Map
- Other: Advisory Planning Commission Comments Ministry of Agriculture and Food Comments



# **Provincial Agricultural Land Commission -Applicant Submission**

Application ID: 67388 Application Status: Under LG Review Applicant: Edward Kendall, Rebecca Kendall Agent: Cariboo Geographic Systems Local Government: Cariboo Regional District Local Government Date of Receipt: 02/06/2023 ALC Date of Receipt: This application has not been submitted to ALC yet. Proposal Type: Subdivision Proposal: Permission to subdivide land north of the road which isn't used for agriculture from one parcel. The proposal is to consolidate the remainder of that parcel with the adjacent 34.3 hectare property.

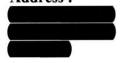
#### **Agent Information**

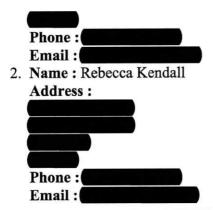
Agent : Cariboo Geographic Systems Mailing Address : Unit 1, 230 Cariboo Highway 100 Mile House, BC V0K 2E0 Canada Primary Phone : (250) 395-4577 Mobile Phone : (250) 706-8155 Email : cgs\_nigel@telus.net

## **Parcel Information**

#### Parcel(s) Under Application

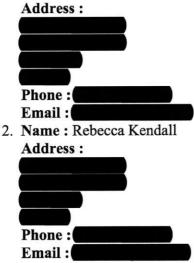
Ownership Type : Fee Simple
 Parcel Identifier : 013-314-653
 Legal Description : THE FRACTIONAL SOUTH 1/2 OF THE SOUTH 1/2 OF DISTRICT LOT
 1919 LILLOOET DISTRICT EXCEPT PLAN 26063 AND KAP90830
 Parcel Area : 34.3 ha
 Civic Address : 6429 Eden Road, Watch Lake BC V0K 2K1
 Date of Purchase : 06/20/2019
 Farm Classification : Yes
 Owners
 1. Name : Edward Kendall
 Address :





2. Ownership Type : Fee Simple Parcel Identifier : 028-222-695 Legal Description : LOT 1 DISTRICT LOT 1919 LILLOOET DISTRICT PLAN KAP90830 Parcel Area : 34.7 ha Civic Address : No Civic Date of Purchase : 10/21/2011 Farm Classification : Yes Owners

1. Name : Edward Kendall



#### **Current Use of Parcels Under Application**

**1.** Quantify and describe in detail all agriculture that currently takes place on the parcel(s). There is a large hay field that crosses the property line. Some of the land south of Little Green Lake Road is fenced for cattle and goat grazing

**2.** Quantify and describe in detail all agricultural improvements made to the parcel(s). *The hay fields and fencing. Some of the ancillary buildings support the agricultural uses.* 

**3.** Quantify and describe all non-agricultural uses that currently take place on the parcel(s). *The residential use is the only non-agricultural uses.* 

#### **Adjacent Land Uses**

#### North

Land Use Type: Civic/Institutional Specify Activity : Crown Land and refuse site

#### East

Land Use Type: Residential Specify Activity : large acreage residential

#### South

Land Use Type: Other Specify Activity : Watch Lake and residential lots

#### West

Land Use Type: Residential Specify Activity : 9 residential lots

# Proposal

#### 1. Enter the total number of lots proposed for your property.

6.6 ha 62.4 ha

#### 2. What is the purpose of the proposal?

Permission to subdivide land north of the road which isn't used for agriculture from one parcel. The proposal is to consolidate the remainder of that parcel with the adjacent 34.3 hectare property.

#### 3. Why do you believe this parcel is suitable for subdivision?

The part proposed for subdivision has never been used for agriculture and is not really suited to that use.

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

The proposal does support the short and long term agricultural use of the properties by consolidating the lands used for agriculture into a single property.

5. Are you applying for subdivision pursuant to the ALC Homesite Severance Policy? If yes, please submit proof of property ownership prior to December 21, 1972 and proof of continued occupancy in the "Upload Attachments" section.

No

## **Applicant Attachments**

- Agent Agreement Cariboo Geographic Systems
- Proposal Sketch 67388
- Other correspondence or file information letter with further information

Applicant: Edward Kendall, Rebecca Kendall

- Certificate of Title 013-314-653
- Certificate of Title 028-222-695

# **ALC Attachments**

None.

# Decisions

None.

# **Reasons of Support**

This application is requesting that part of Lot 1, District Lot 1919, Lillooet District, Plan KAP90830 be subdivided within the Agricultural Land Reserve. The part proposed for subdivision is 6.6 hecatres in size and lies north of Little Green Lake Road. The land is vacant, has never been used for agricultures and is not a viable component of the agricultural use of Lot 1.

The property is presently zoned Resource Agricultural (RA 1) and designated Agricultural in the Green Lake and Area Official Community Plan. If the application is approved, it will need to be rezoned and redesignated. To accommodate the subdivision, we would propose a Rural 1 (RR1) zone and a Rural Holding designation in the OCP.

Lot 1 was originally created in May 2010 under Section 10 of the Agricultural Land Reserve use, Subdivision and Procedures Regulation No. 171/2002 by previous owners. The property is 34.7 hectares in size and was done to add waterfront land on Watch Lake to an upland parcel.

The current owners of Lot 1 also own the South Half of the South Half, District Lot 1919, Lillooet District, except plan 26063 and except plan KAP90830. This land is 34.3 hectares in size and because of roads is in 3 separate physical parcels. It has the same zone and designation as Lot 1. The existing hay fields are on this land and on that part of Lot 1 lying south of the Little Green Lake Road. These agricultural uses cross the existing property boundary and are managed as a single unit.

If this application is approved the owners would be happy to consolidate the remainder of Lot 1 with the other property. This would create a single parcel 62.4 hectares in size and place all improved agricultural land, the land used for grazing and the farm buildings on the consolidated lot. They hope the Commission will consider this consolidation by entering into a restrictive covenant with the Agricultural Land Commission and Cariboo Regional District that binds the titles together. This request is being made because of the high cost of consolidating the land by survey and it would ensure that in the future they can't be sold separately without approval because of the covenant registered on both titles.

The proposed lot is triangular and has Crown Land on the west and north sides with the public road forming the other boundary. The Cariboo Regional District's Watch Lake refuse site is in the Crown Land and very close to the northern boundary. The terrain on this side of the road is not conducive for an agricultural use as part of the overall property but may be suitable for a small hobby farm use. The soils are poor, and the forest has experienced severe blow downs in the last few years. This part of the land has never been used for agriculture and all agricultural improvements are south of the road for these reasons.

The Green Lake and Area Official Community Plan has six objectives for lands designated Agriculture, and we believe this proposal meets all of them.

• Objective 1. Support the long-term viability of agriculture and ranching in the area.

This objective is met by consolidating all lands with existing agricultural uses and the lands with further agricultural potential into a single consolidated parcel 62.4 hectares in size. This is almost double the minimum lot size the plan says should be maintained.

• Objective 2. Encourage the preservation of existing and potentially viable agricultural and ranch lands.

This objective is met by consolidating all viable agricultural and ranch lands into a single property.

• Objective 3. Discourage the fragmentation of agricultural and ranch lands through subdivision or development for non-agricultural purposes.

This objective is met because currently there are two properties and with the proposed consolidation there will be two properties when the land north of the road is subdivided off. A smaller lot north of the road and a large lot containing all existing and potential agricultural uses.

• Objective 4. Minimize conflicts between agriculture / ranching and other land uses.

This objective is not affected by the proposal and there is no potential to increase conflict with it.

• Objective 5. Minimize the impacts of agriculture and ranching on environmental resources.

This objective is not affected by the proposal. It places two waterfront properties onto a single consolidated parcel and creates one upland property.

• Objective 6. Recognize and support the maintenance of the Agricultural Land Reserve.

This objective is met because all lands will remain in the Land Reserve and a more viable larger property for agriculture will be created.

This application is being made to allow a subdivision of land within the Agricultural Land Reserve. We are requesting that a 6.6 hectare portion north of a public road be created from a 34.7 hectare lot. The proposed lot has never been used for agriculture, has limited potential because of the road, size, shape and separation from the rest of the lands

owned. We are proposing that the remainder of the lot be consolidated (hopefully by a covenant binding titles) with the adjacent 34.3 hectare property creating a large 62.4 hectare property which has and will continue to be used for agriculture. This will ensure that the existing hay field which presently straddles both properties can not be divided in the future by selling the properties separately. The owners strongly believe that this is the best way to ensure the long-term agricultural viability of the land, while allowing them to subdivide off land they cannot use for agriculture.

To Whom It May Concern:

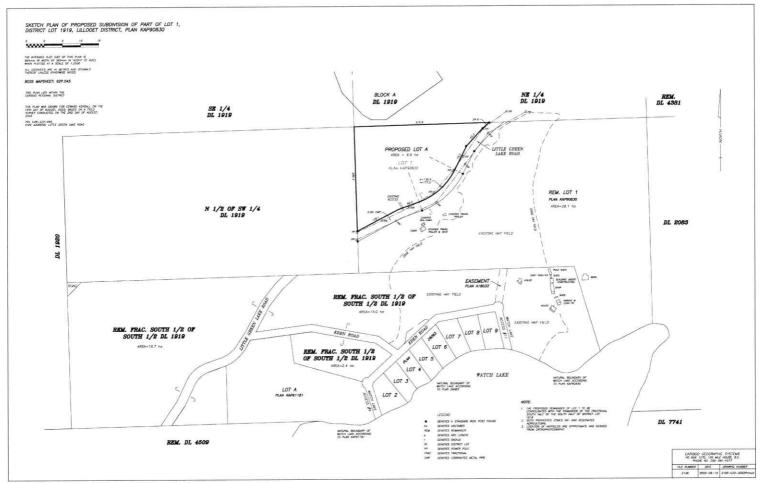
The undersigned, as the registered owners of Lot 1, District Lot 1919, Lillocet District Plan KAP90830 and The Fractional South ½ of the South ½ of District Lot 1919 Lillooet District except Plan 26063 and KAP90830, hereby retain and authorize Nigel Hemingway, B.C. Land Surveyor of Cariboo Geographic Systems to act on our behalf in all matters pertaining to a Land Commission Application with the Agricultural Land Commission with regard to the afore-mentioned property.

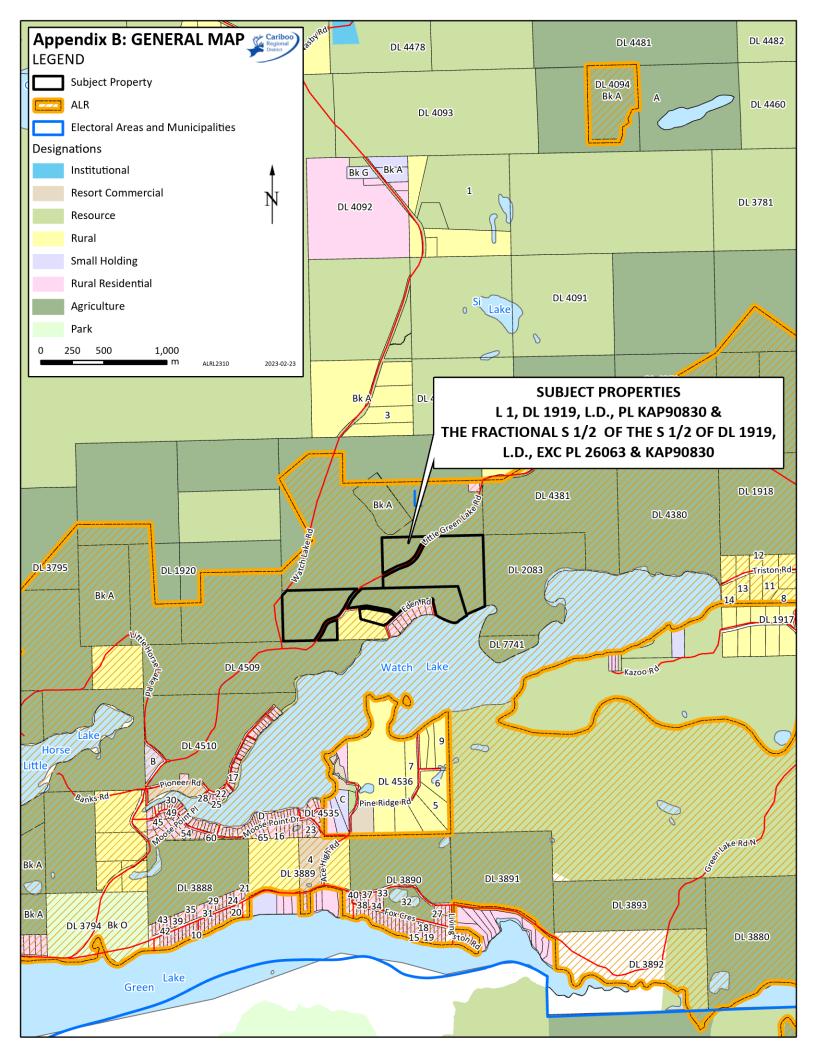
Edward Kendall

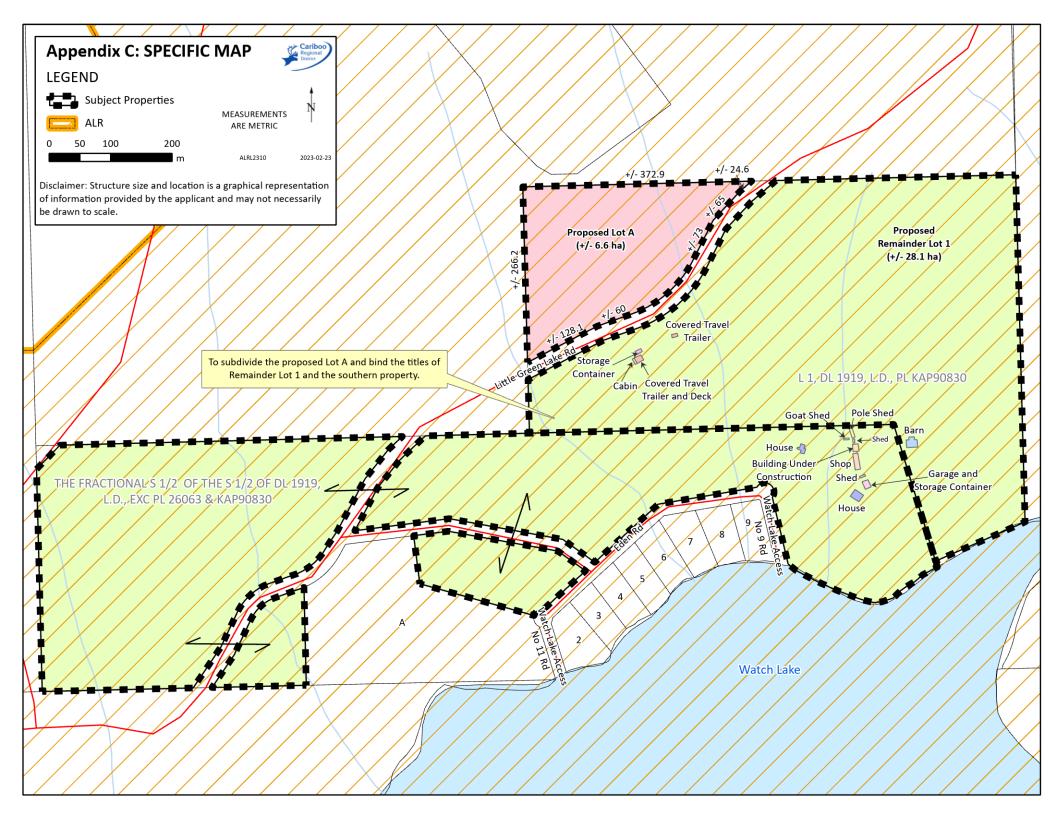
Rebecca Kendall

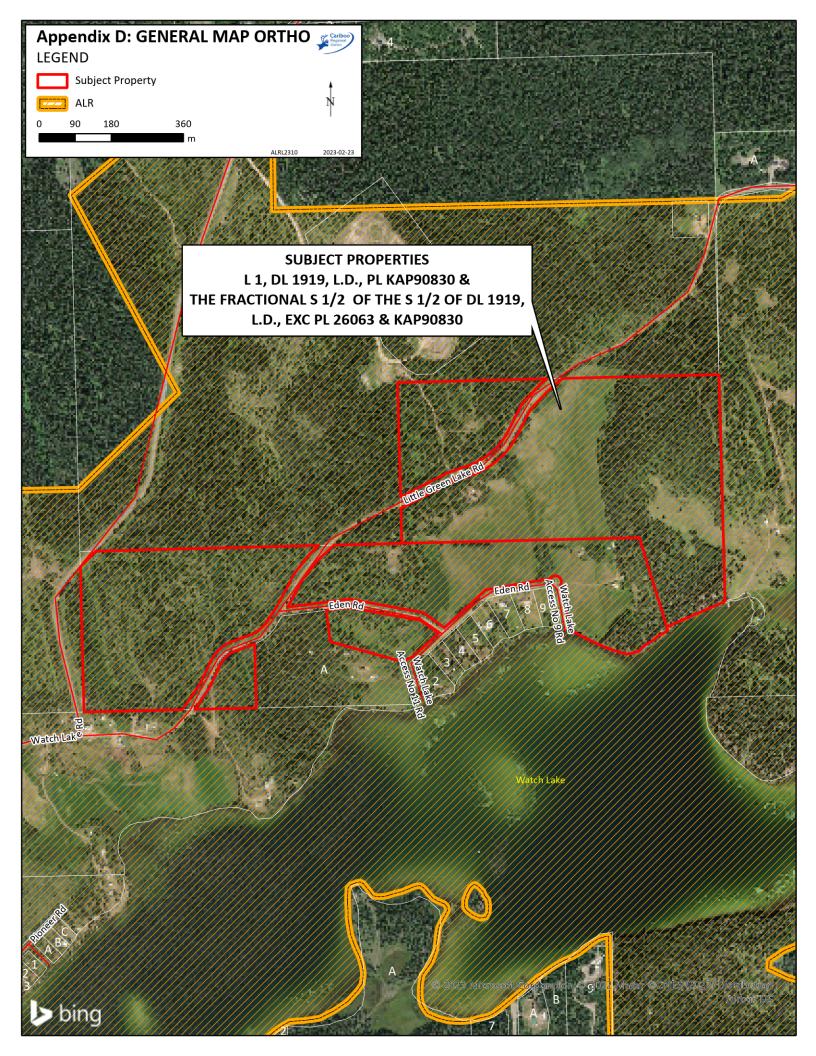
05/05/22 Date 05/06/22

THE OWNER AND A DESCRIPTION OF A









File No: 3015-20/L20230010

# ADVISORY PLANNING COMMISSION RESPONSE FORM

Minutes of the meeting of the Electoral Area 'L' advisory planning commission held on March 20, 2023 in the South Cariboo, located at Interlakes, BC, commencing at 6:57 PM

PRESENT:

Members Ursula Hart, Barb Matfin, Dori Dennison, Hanvelo Betschart Steve Brown (Sharron Woloshyn) Chair Sharron Woloshyn

Recording Secretary Sharron Woloshyn

Owners/Agent, or Nigel Himmingway, Ed Kendall, Becky Kendall

ABSENT: Inga Udluft, Greg Atherton, Glen Clark, Gordon Ross

ALSO PRESENT: Electoral Area Director Eric de Vries Staff support (if present)

#### Agenda Items

APPLICATION UNDER THE LAND COMMISSION ACT - 3015-20/L20230010 (THE FRACTIONAL SOUTH 1/2 OF THE SOUTH 1/2 OF DISTRICT LOT 1919, LILLOOET DISTRICT, EXCEPT PLAN 26063 AND KAP90830 / LOT 1, DISTRICT LOT 1919, LILLOOET DISTRICT, PLAN KAP90830)

Steve Brown /Manuala Betschart THAT the application for submission to the ALC at 6429 EDEN ROAD be supported/rejected for the following reasons:

"Consolidation" of the remaining property improves the agricultural viability of the current operation." " Subdivided 6.6% Ha remains in the ALR

For: 5

41

Against:

CARRIED/DEFEATED

#### Termination

Ursula Hart Barb Matfin

: That the meeting terminate.

CARRIED

Time: 7:33 7

Recording Secretary

have vort



March 8, 2023

# Sent by email

Dear Local Government Planning Staff:

# Re: Ministry response for ALC subdivision application referrals

Ministry of Agriculture and Food (Ministry) staff have noted that there has been a marked increase in Agricultural Land Commission (ALC) subdivision applications over the past few years, resulting in increased referral workload for local governments, Ministry and ALC staff.

A recent referral impact review project conducted by the Ministry, which reviewed 148 referrals from 26 local governments over a six-month period, showed that while 80% of ALC subdivision applications were assessed by Ministry staff as "not beneficial to agriculture" local government councils and boards opted to send these applications to the ALC for decision in nearly every instance. While local government decisions to forward these applications to the ALC are contrary to Ministry staff input, 92% of the time ALC decisions are consistent with Ministry staff's assessment (i.e. applications identified as not beneficial to agriculture are refused).

Given the similar input provided by Ministry staff on most subdivision applications, the limited impact that Ministry referral responses appear to be having on local government decisions on subdivision applications, and current staff workload pressures, the Ministry will be discontinuing parcel-specific review of ALC subdivision applications for a trial period of 6 months. The aim will be to utilize this time to develop alternative outreach and education mechanisms to support land use decisions that benefit agriculture.

In the absence of a parcel-specific review, we encourage local government planning staff and decision makers to consider the following findings/key messages when reviewing ALC applications for subdivision on the Agricultural Land Reserve (ALR).

- Subdivision in the ALR frequently results in each parcel having diminished agricultural potential and an increase in land cost per hectare due to increased residential and accessory structures. Smaller lots and increased residential structures can also increase conflict between adjacent land uses.
- Ministry data, through Agricultural Land Use Inventories (ALUI), consistently shows that smaller agricultural lots are less likely to be farmed.

- A recent 2022 Kwantlen Polytechnic University <u>study</u> exploring the impact of non-farm uses and subdivision on agricultural land found that in regions of B.C. reviewed, "30% of all new parcels created as a result of subdivision ceased to have a farm class status", and "64% of all the parcels had their ownerships transferred within three years after non-farm use and subdivision applications were approved. This percentage becomes higher for subdivided parcels" (Summary Results, p.1-2).
- To advance viable long-term agricultural opportunities on the ALR, Ministry staff encourage ALR landowners to pursue alternative land access and tenure options, other than subdivision, (such as the leasing of portions of the property) as part of a coordinated succession plan. For more information on <u>B.C.'s Land Matching Program</u>, please visit the <u>Agrarians Foundation</u> organization website.
- The Ministry also provides resources to producers to support successful farm transition, including support through the <u>B.C. Agri-Business Planning Program</u>, as well as succession planning workshops and webinars to familiarize farmers with the steps and practices required for a successful farm transition.
- Ministry staff are available to discuss viable agricultural opportunities with the landowners considering pursuing farming activities on ALR land. For more information or to contact Ministry staff, please visit the Ministry <u>AgriService BC webpage</u> or email <u>AgriServiceBC@gov.bc.ca</u>.

While the Ministry will not be providing a detailed review and response to this parcel-specific referral, please feel free to reach out to Ministry staff with specific questions or for advice on this referral or land use planning for agriculture in general.

Sincerely,

Marklams

Mark Raymond Executive Director Extension and Support Services Branch Ministry of Agriculture and Food