



Cover page for Agenda Item 7.1.2

Request for Decision – Agricultural Land Commission Subdivision Application 55725 (Vanderwolf, Area B)

Electoral Area Directors Committee Recommendation:

At the November 14, 2016 Electoral Area Directors Committee Meeting, the Committee resolved as follows:

THAT the Squamish-Lillooet Regional District offer unconditional support for the Agricultural Land Commission (ALC) Subdivision Application 55725 (Vanderwolf) and forward to the ALC for consideration.



REQUEST FOR DECISION

Agricultural Land Commission Subdivision Application 55725
(Vanderwolf, Area B)

Meeting date: November 9, 2016/November 23, 2016

File No.: DL 327 – 729-00282.250

To: SLRD EAD/Board

Applicant: George Vanderwolf and Karen Vanderwolf

Location: 212 McNary Road

Legal Description: DISTRICT LOT 327, LOT 1 PLAN 23166, LILLOOET LAND DISTRICT

OCP Designation:	Zoning:	ALR Status:	DP Area(s):
Agricultural, Area B	Rural Resource 1 (RR1)	In	
OCP Bylaw No. 1073, 2008	Zoning Bylaw No. 1300-2013		

RECOMMENDATION:

THAT the Board endorse the Area B Agricultural Advisory Committee recommendation to offer conditional support of the ALC Subdivision Application No. 55725 (Vanderwolf) and forward to the ALC for consideration; and

THAT support for the application (55725) is conditional on the submission (to the ALC and the SLRD) of a professional agrologist report confirming that each of the proposed lots has a minimum 2 hectares of arable land, as supporting the intent of the SLRD Electoral Area B, District of Lillooet and St'at'imc Agricultural Plan.

KEY ISSUES/CONCEPTS:

The Squamish-Lillooet Regional District (SLRD) received an ALC Subdivision Application (55725) on September 29, 2016 proposing the subdivision of 212 McNary Road into 3 lots – 2.5 hectares, 2.5 hectares and 3 hectares respectively. The property is located within the Agricultural Land Reserve (ALR) in the Texas Creek area of Electoral Area B of the SLRD and is zoned Rural Resource 1 (RR1) in Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300-2013.

The SLRD must review the application and can decide whether or not to forward the application to the ALC, as described in the **Options** section below.

RELEVANT POLICIES:

Squamish-Lillooet Regional District Electoral Area B Zoning Bylaw No. 1300- 2013
Electoral Area B Official Community Plan Adoption Bylaw No. 1073, 2008
SLRD Electoral Area B, District of Lillooet and St'at'imc Agricultural Plan
Agricultural Land Commission Act and ALR Use, Subdivision and Procedure Regulation

The subject properties are zoned Rural Resource 1 (RR1) in the Electoral Area B Zoning Bylaw No. 1300-2013. The subject properties are designated Agricultural in the Area B OCP Bylaw No. 1073, 2008 and are within the ALR.

BACKGROUND:

The SLRD received an ALC Subdivision Application (55725) for 212 McNary Road. The subject property does not have farm classification from BC Assessment. The subject property is located in Zone 2 of the ALR. As such, when exercising a power under the ALC Act in relation to land located in Zone 2, the ALC must consider all of the following, in descending order of priority:

- a) the purposes of the commission set out in Section 6 of the Agricultural Land Commission Act;
- b) economic, cultural and social values;
- c) regional and community planning objectives;
- d) other prescribed considerations.

Proposal

The applicants' proposal is for a subdivision of 212 McNary Road into three lots. The subject property is 20.8 acres (~ 8 hectares); the proposed subdivision would create two 2.5 hectare lots and one 3 hectare lot.

The applicants' proposal suggests that young farmers are looking for farmland and they cannot afford the full 8 hectares. The subdivision is proposed to accommodate these young farmers. The proposal indicates that there are at least three young people interested in purchasing smaller parcels of farmland and that they can afford 2.5 hectare lots.

The applicants' proposal suggests that this parcel is suitable for subdivision as the three lots are all accessible by existing roads, there is ample water available for irrigation and the topography of the land and the existing survey stakes determined the configuration of the lots. In terms of supporting agriculture in the short or long term, the applicants' proposal states that this land has been used for raising cattle, horses, hay and produce for over 60 years and that there is no reason it cannot continue to be farmed.

Agricultural Capability

The subject property has fair/good agricultural capability as noted below:

66TP-54MP--(66TP-22X-42TP)

The provincial, 1:50 000 scale agricultural capability mapping indicates approximately 60% of the subject property is rated as Class 6 with topography (soils are limited by steepness or pattern of slopes) and stoniness (soils are limited by the presence of coarse fragments) as limiting factors, and 40% Class 5 with moisture (soils with low water-holding capacity) and stoniness as limiting factors.

The subject property is improvable to 60% Class 6 with topography and stoniness as limiting factors, 20% Class 2 with minor cumulative limitations, and 20% Class 4 with topography and stoniness as limiting factors.

For reference, the BC Agricultural Capacity Classifications are attached to this report as Appendix B.

Adjacent Land Uses

The applicant describes the adjacent land uses (type; activity) as follows:

North	Agricultural/Farm; Hobby Farm Pasture
East	Agricultural/Farm; Hobby Farm Some Hay
South	Agricultural/Farm; Hobby Farm Cattle
West	Agricultural/Farm; Non ALR Orchard

Current Land Uses

The application states that 10 percent of the land is used to produce food, 75 percent of the land is used to produce hay, and the remainder is un-arable. In terms of agricultural improvements, the application states that an irrigation system and fencing was put in many years ago. In terms of the non-agricultural uses that currently take place on the parcel, the application states that no non-agricultural activities take place on the parcel. It should be noted that the parcel is used for residential purposes by the property owners.

For reference, staff note that arable land is traditionally defined as follows:

Arable land (from Latin arabilis, "able to be plowed") is land capable of being ploughed and used to grow crops. Arable land is traditionally contrasted with "pasturable" lands which could be used for grazing but not for the intensive growing of crops.

ANALYSIS:

Policy

The goal of the ALC is first and foremost to preserve agricultural land and encourage the establishment and maintenance of farms. Although the subject property does not have farm classification from BC Assessment, it has been used for farming for many years (application states 60+ years).

The Electoral Area B Official Community Plan Bylaw No. 1073, 2008 includes objectives related to agriculture:

- To contribute to local and regional food security.
- To preserve the agricultural land base in the plan area.
- To encourage diversification and economic sustainability of the farming community.
- To minimize the impacts from non-agricultural development occurring at the edge of farming areas and within agricultural lands.
- To balance the interests of agriculture and protection of the environment.

And policies related to Agricultural Land Base (Land Use):

11.1. Lands designated for agricultural use are indicated on Maps 5 and 6 as Agriculture. These lands shall be managed to retain their agricultural potential. Permitted uses are defined by the Agricultural Land Commission, including agriculture, farm retail sales, agritourism, sand and gravel extraction, residential, small hydroelectric facilities, and auxiliary uses related to these activities.

11.2. Non-farm residential, recreational, institutional, industrial, commercial uses, utility facilities, and urban developments are encouraged to occur in locations that will not impact the viability of farm land.

11.3. Subdivision and exclusion of land from the Agricultural Land Reserve is discouraged.

11.4. The zoning bylaw shall be reviewed by the Regional District to ensure consistency with the Agriculture land use designation policies, particularly regarding minimum parcel area.

11.5. Paved and unpaved helipads and airstrips are discouraged on agricultural lands.

11.6. In order to limit the fragmentation of multi-parcel farm operations by the sale of individual parcels, the SLRD will work collaboratively with farm property owners and their agents, and the Agricultural Land Commission on a case by case basis to reconcile potentially conflicting interests.

11.7. The owners of agricultural lands are encouraged to facilitate the use of the land for agriculture by actively farming or leasing or loaning their lands to persons that would undertake active farming.

11.8. Non-farm uses on agricultural land, or non-soil dependent farm operations, are encouraged to locate in areas of poorer soils.

The Agricultural Designation Policies discourage subdivision; rather, long-term leasing or loaning options are encouraged to support access to and active use of farmland.

The SLRD Electoral Area B, District of Lillooet & St'at'imc Agricultural Plan (Ag Plan) also supports promoting access to land rather than subdivision. Specifically, the Ag Plan includes the following priorities and actions:

Priority 2: Developing Supportive Policies and Regulations

2.5 Promote options to assist new and current farmers in gaining access to land and to help ensure the long-term succession and viability of farmland.

A. Develop a land-linking program to match land with people who want to farm.

C. Provide information to both farmers and non-farming ALR landowners about different types of land use agreements (licences, leases, profit-a-prendres, and memorandums of understanding) to ensure that the maximum amount of farmland is in its most productive use regardless of ownership.

D. Provide access to research and information to the general public regarding alternative farm business arrangements, such as stratas, cooperatives, and corporations.

Zoning

The property is zoned Rural Resource 1 (RR1) in the Electoral Area B Zoning Bylaw No. 1300-2013. The proposal would meet the minimum 2 hectare parcel area for new subdivision required by the SLRD RR1 zoning, provided the land is approved for subdivision within the ALR pursuant to the Agricultural Land Commission Act, Regulations thereto, or Orders of the Commission.

SLRD Regional Growth Strategy (RGS)

The SLRD RGS Bylaw No. 1062, 2008 is based on and includes Smart Growth Principles, one of which is to “*Ensure the integrity of a productive agricultural and forestry land base.*” The RGS also includes direction toward *Protecting the Agricultural Land Base*”.

ALR Regulations, Policies and Objectives

The purposes of the ALC as stated in Section 6 of the Agricultural Land Commission Act are:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest;
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

The subject property is located in Zone 2 of the ALR, thus, when exercising a power under the ALC Act in relation to land located in Zone 2, the ALC must consider all of the following, in descending order of priority:

- a) the purposes of the commission set out in Section 6 of the Agricultural Land Commission Act;
- b) economic, cultural and social values;
- c) regional and community planning objectives;
- d) other prescribed considerations.

The preservation of agricultural land remains the key purpose and agriculture the priority use of the ALR. The Minister's Bylaw Standards further suggest that subdivisions should be considered only where it will enhance farming opportunities. Since small parcels sizes may limit the range of agricultural uses, it is recommended that local governments establish the largest possible lot size for land in the ALR. The Minister's Bylaw Standards suggests that this provides for a wider range of farming opportunities and discourages expectations for subdivision in the future. Although the applicants' proposal meets the minimum parcel size set out in the zoning (which is only 2 hectares), the proposal goes against SLRD policies, plans and bylaws, as well as the purpose and recommendations of the ALR. As such, SLRD staff are not supportive of the application.

REGIONAL IMPACTS:

The ALR Use, Subdivision and Procedure Regulation, as well as the SLRD policies contained with the Electoral Area B OCP and Ag Plan are intended to support preservation of the agricultural land base. These regulations and policies discourage subdivision and exclusion of land from the ALR. Subdivisions in the ALR are generally not encouraged and have not been supported in this area. There is real concern about the precedent this application may set should it be supported, both for the ALR in general and the Lillooet area in particular.

AREA B AGRICULTURAL ADVISORY COMMITTEE COMMENTS/RECOMMENDATION

The Area B Agricultural Advisory Committee (AAC) met on November 3, 2016 to review and discuss the subject application. The meeting had full attendance of the AAC; the applicants were also in attendance at the meeting and they presented the proposed subdivision application from their perspective. AAC members had an opportunity to ask questions. An AAC discussion ensued; deliberations took most of the two-hour AAC meeting.

There was discussion around the need to enhance farming opportunities and that smaller lot sizes might actually do this; disagreement was also expressed around some of the assumptions behind the Minister's Bylaw Standards. The importance of increasing access to land for young farmers was emphasized, as was the importance of land ownership. Discussion also took place around how much of the subject property was actually arable, and that the proposed three lot subdivision would likely result in three homes, further reducing the amount of arable land available for agriculture. It was suggested that a two lot subdivision might actually be a better option to support agricultural uses, while still addressing land affordability issues. It was also discussed that the Ag Plan supports the development of high valued-added agriculture as a priority and that smaller lots may be more conducive to this. The discussion came back to the fact that the minimum farmable area is essential. And to this end, it was raised that it is normal/typical for ALC application submissions to include an agrologist report – this is lacking from the subject application and was raised as a gap/concern.

Through the development of the Ag Plan, specific concerns were expressed by the agricultural community regarding access to land, particularly smaller plots of arable agricultural land. Through these discussions, it was established that a minimum 2 hectares of arable land is necessary to support agriculture and that this should be considered in regard to subdivisions.

The following motion was passed and carried with unanimous support. With this motion, the AAC is offering that they remain open minded to the concept of subdivisions in the ALR, as a potential to enhance farming opportunities, but that a minimum of 2 hectares of arable land is needed and that applications should be accompanied by a professional agrologist report.

AAC MOTION

THAT it be recommended to the SLRD Board:

Option 3: Offer conditional support of the application and forward to the ALC for consideration. Further, support for the application is conditional on the submission of a professional agrologist report confirming that each of the proposed lots has a minimum 2 hectares of arable land, as supporting the intent of the Ag Plan.

CARRIED

OPTIONS:

The following options are available for a Local Government in accordance with Section 25(3) of the *Agricultural Land Commission Act*.

Option 1

Do not support the application and do not forward to the ALC for consideration.

Option 2

Do not support the application and forward to the ALC for consideration.

Option 3 (preferred option)

Offer conditional support of the application and forward to the ALC for consideration, with the conditional requirement being that an agrologist's report be provided, and that a minimum of 2 hectares of arable land be proven out.

SLRD staff's position is that ALC Subdivision Application No. 55725 submitted for 212 McNary Road goes against SLRD policies, plans and bylaws, as well as the purpose and recommendations of the ALR. SLRD staff does not believe that the subject property has enough agriculturally-viable land to support a three lot subdivision, and the subdivision will only result in a real estate sale, rather than providing a true benefit to farming, as once residential and auxiliary improvements (houses, barns, outbuildings, etc.) are constructed on the land, there will be little land left for any significant farming. In the absence of an agrologist's report, however, SLRD staff have little information by which to review this referral. SLRD staff also have concerns that the approval of applications such as this could create a precedent that may encourage further subdivisions of the land base on Texas Creek Road, further supporting residential uses over agricultural uses.

The above being noted, SLRD staff is agreeable to the recommended option provided by the AAC, which wishes to consider subdivisions in the ALR as a potential to enhance farming opportunities in certain circumstances, where a minimum of 2 hectares of arable land is available, and that applications should be accompanied by a professional agrologist report. Given the AAC's resolution, SLRD staff is agreeable to Option 3 and the above conditions.

Option 4

Offer unconditional support for the application and forward to the ALC for consideration

ATTACHMENTS:

Appendix A: ALC Application 55725

Appendix B: ALC Agricultural Capability Classifications

<http://www.alc.gov.bc.ca/assets/alc/assets/library/agricultural->

Prepared by: C. Daniels, Planner

Reviewed by: K. Needham, Director of Planning and Development Services

Approved by: L. Flynn, Chief Administrative Officer

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 55725

Application Status: Under LG Review

Applicant: GEORGE VANDERWOLF , KAREN VANDERWOLF

Agent: George Vanderwolf

Local Government: Squamish-Lillooet Regional District

Local Government Date of Receipt: 09/15/2016

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

Proposal Type: Subdivision

Proposal: YOUNG FARMERS ARE LOOKING FOR FARMLAND THEY CANNOT AFFORD THE FULL 8 HECTARES.THEY TELL US THEY CAN AFFORD 2.5 HA. THIS SUB-DIVISION IS TOO ACCOMMODATE THESE YOUNG FARMERS. THERE ARE AT LEAST THREE YOUNG PEOPLE WANTING TO BUY SMALLER PARCELS OF FARM LAND

Agent Information

Agent: George Vanderwolf

Mailing Address:

Primary Phone

Mobile Phone:

Email:

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 006-558-739

Legal Description: DL 327 LOT 1 PLAN 23166

Parcel Area: 8 ha

Civic Address: 212 MCNARY ROAD LILLOOET B.C.

Date of Purchase: 12/06/1972

Farm Classification: No

Owners

1. **Name:** GEORGE VANDERWOLF

Address:

Applicant: GEORGE VANDERWOLF , KAREN VANDERWOLF

Cell:
Email:

2. **Name:** KAREN VANDERWOLF
Address:

Phone:

Cell:

Email:

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).
10 PERCENT IN PRODUCE 75 PERCENT HAY REMINDER UNARABLE

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).
IRRIGATION SYSTEM ABD FENCING DONE MANY YEARS AGO

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).
NO NON-AGRICULTURAL ACTIVITY

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm
Specify Activity: HOBBY FARM PASTURE

East

Land Use Type: Agricultural/Farm
Specify Activity: HOBBY FARM SOME HAY

South

Land Use Type: Agricultural/Farm
Specify Activity: HOBBY FARM CATTLE

West

Land Use Type: Agricultural/Farm
Specify Activity: NON ALR ORCHARD

Proposal

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

2.5 ha

2.5 ha

3 ha

Applicant: GEORGE VANDERWOLF , KAREN VANDERWOLF

2. What is the purpose of the proposal?

YOUNG FARMERS ARE LOOKING FOR FARMLAND THEY CANNOT AFFORD THE FULL 8 HECTARES.THEY TELL US THEY CAN AFFORD 2.5 HA. THIS SUB-DIVISION IS TOO ACCOMMODATE THESE YOUNG FARMERS. THERE ARE AT LEAST THREE YOUNG PEOPLE WANTING TO BUY SMALLER PARCELS OF FARM LAND

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

THESE THREE LOTS ARE ALL ACCESSIBLE BY EXISTING ROADS. THERE IS AMPLE WATER AVAILABLE FOR IRRIGATION. THE TOPOGRAPHY OF THE LAND AND THE EXISTING SURVEY STAKES DETERMINED THE CONFIGURATION OF THE LOTS

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

THIS LAND HAS BEEN USED FOR RAISING CATTLE HORSES HAY AND PRODUCE FOR OVER SIXTY YEARS I SEE NO REASON WHY IT CANNOT CONTINUE TO BE FARMED .

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 - George Vanderwolf
- Proposal Sketch - 55725
- Certificate of Title - 006-558-739

ALC Attachments

None.

Decisions

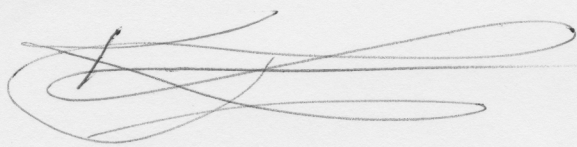
None.

Sept 15/16

agent authorization letter

I Karen Vanderwolf hereby appoint
George Vanderwolf to make
application to the A.L.C as agent
on my behalf.

P.I.D.# 006 558 739



KAREN VANDERWOLF

George M Vanderwolf

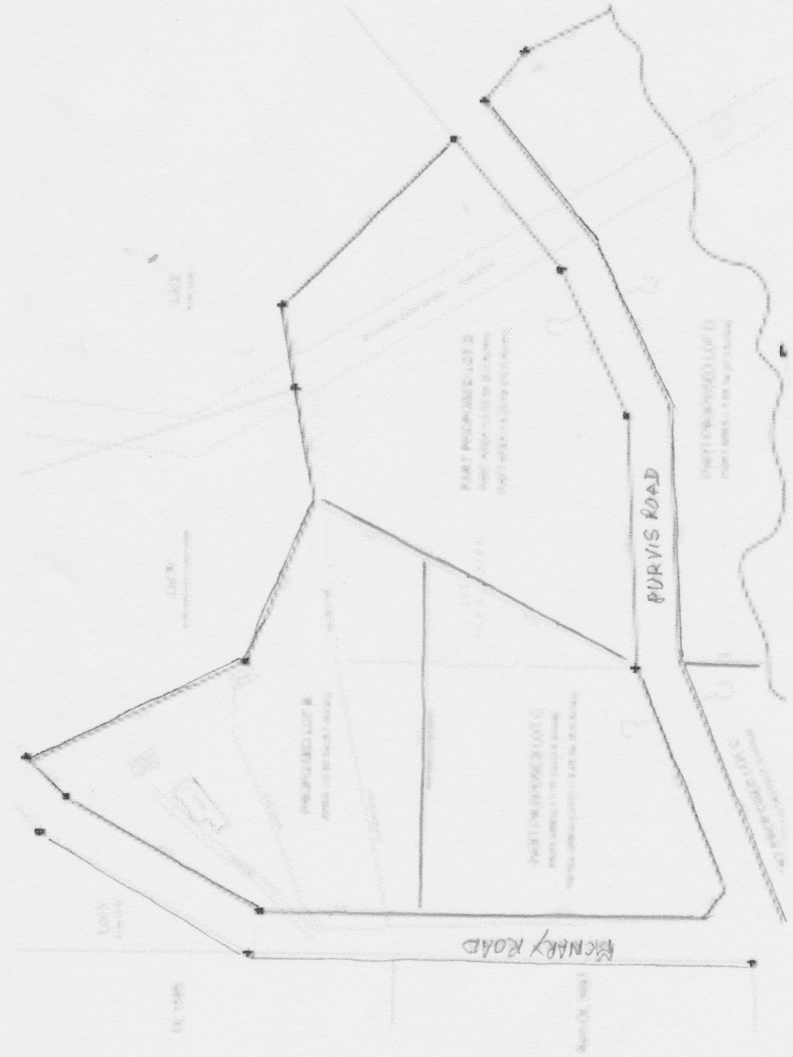
GEORGE M VANDERWOLF

LOT 1, DISTRICT LOT 327, WILLOET DISTRICT, PLAN 23166

SALE OF LAND BY THE DISTRICT OF COLUMBIA
 DISTRICT LOT 327, WILLOET DISTRICT, PLAN 23166

WILLOET DISTRICT, DISTRICT LOT 327, PLAN 23166

1





THE GOVERNMENT OF
THE PROVINCE OF BRITISH COLUMBIA

LAND REGISTRY ACT
(FORM F, SECTION 143)

Title No. G53279F

Register Vol. _____

From Title No. G44125F

CERTIFICATE OF INDEFEASIBLE TITLE

Land Registry Office, Kamloops, British Columbia.

This is to certify that the undermentioned registered owner in fee-simple is absolutely and indefeasibly entitled in fee-simple, subject to such charges, liens, and interests as are notified by endorsement hereon, and subject to the conditions, exceptions, and reservations set out hereon, to the land situated in the Province of British Columbia, and more particularly described below.

Registered owner in fee-simple: Application for registration received 6th December, 1972

GEORGE VANDERWOLF, "Machine Operator", and

KAREN VANDERWOLF, "Housewife"

"Joint Tenants"

Lillooet, British Columbia

Description of land: (See back hereof for transfers (if any) of the land or a part thereof).

Lot 1, District Lot 327, Lillooet District, Plan 23166

In the Lillooet Assessment District

Hereto is annexed Easement G53281 over District Lot 1585, Lillooet District, and District Lot 327, Lillooet District, except Plans "B"1459, 17292, 22392 and 23166

CHARGES, LIENS, AND INTERESTS*

Nature of Charge; Number; Date and Time of Application	Registered Owner of Charge	Remarks
R.W. 88285E 3/1/61 13:52	British Columbia Hydro and Power Authority	Inter Alia
M. 89539E 10/4/61 15:49	Montreal Trust Company in Trust see 34960E and 89539E	Inter Alia (see also 89805E) of Inter Alia 88285E
E. G31127 26/7/72 15:22		Inter Alia Appurtenant to Lot 1, Plan 22392
E. G53280 6/12/72 12:56		See G53279 Appurtenant to D.L. 1585, L.D., and D.L. 327, L.D., except Plans "B" 1459, 17292, 22392 and 23166
M. H28668 11/6/73 13:24	YALE DISTRICT CREDIT UNION.	CANCELLED M47358 5/8/77 JC GROVES REG/BMac

In witness whereof I have hereunto set my hand and the seal of my office aforesaid, this 11th day of December, 1972


Registrar.

* Each endorsement affects all the land described herein, unless otherwise indicated in "Remarks" column. See back hereof for abbreviations, etc.

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