

Request for Decision ALR Subdivision Application

File No: P 719 362
Reference: 59442
Date: December 18, 2019

Subject: ALR Subdivision – Fort Steele / Elliott & Soppit
Applicant: Holly Elliott and Alva Soppit
Location: DL 39 and 450 Wardner-Fort Steele Rd
Legal: District Lot 781, KD and that part of District Lot 39, KD lying east of a line which bisects the northerly and southerly boundaries thereof

Proposal: To request release of covenant KX12779 from the two subject properties. The covenant binds the two titles and prevents them from being sold or transferred separately. As the covenant was required for a previous ALR subdivision, the ALC has stated that an ALR subdivision application is required for removal of the covenant.

Options:

1. THAT the Agricultural Land Commission be advised that the RDEK supports the Elliott & Soppit ALR subdivision application for property located on Wardner-Fort Steele Road in Fort Steele.
2. THAT the Elliott & Soppit ALR Subdivision application for property located on Wardner-Fort Steele Road in Fort Steele be refused.

Recommendation: **Option #1**
The proposal is to remove a covenant from the properties as it restricts the applicants who want to add an owner to one of the titles. Further subdivision or development of the lands is not proposed at this time. Reverting back to two separate titles is not expected to impact the agricultural capability of the lands.

Property Information: **OCP Land Use Designation:** RR, Rural Resource which supports agricultural, rural residential and rural resource land uses with parcel sizes 8.0 ha and larger. The RR designation also recognizes the use of these lands for public utility use, resource extraction, green space and recreation.

OCP Policies:

- Land in the ALR is generally designated and supported for agricultural use.
- The plan recognizes the opportunity for a limited residential subdivision that is compatible with agricultural operations and on land that is not suitable for agricultural use due to topography and other limitations. The intent is to cluster residential growth on land of low agricultural capability and suitability in order to reduce rural sprawl and preserve the agricultural value of larger parcels in the area. ALR subdivision applications will be considered in relation to the following criteria:
 - Current agricultural capability and suitability of the parcel;

**Property
Information -
cont'd:**

- Potential impacts of the proposed subdivision on the agricultural capability and suitability of both the parcel proposed for subdivision and on neighbouring parcels; and
- Where applicable, information in the report from a qualified professional as required in section 6.3(2)(g).

Applications for subdivision that will negatively impact present or future agricultural opportunities, or that involve the fragmentation or parcelization of land suitable for agriculture, are not supported.

- ALR applications for non-farm use, subdivision, or exclusion should identify opportunities to improve the agricultural capacity and provide a net benefit to agriculture for the lands that remain within the ALR.
- Applications for subdivision in the ALR which improve agricultural capability will generally be supported, subject to compliance with the zoning bylaw.
- ALR applications for exclusion, non-farm use, or subdivision of parcels 4.0 ha in size or larger must be accompanied by a report from a qualified professional unless an exemption from the requirement has been approved by the Regional District Board. The report must include the following:
 - Determination of the level of capability and suitability for both soil bound and non-soil bound agricultural production on the parcel including investigation of the terrain, soil, size, configuration and context of the agricultural lands; and
 - Identification of the impact the proposal will have on the agricultural suitability and capability of the parcel, and agricultural operations in the surrounding area.

Applications will not be processed by Regional District staff until such time as the report has been submitted or an exemption has been granted. Requests for exemption must be provided in writing to the Regional District prior to making an application and should provide rationale for granting the exemption.

- Support for subdivision of lands within the ALR or non-farm use of ALR lands may be provided when it is demonstrated that the development will protect productive agricultural soils.

Zoning Designation: RR-60, Rural Resource Zone, minimum parcel size: 60 ha.

Parcel Sizes: 70.4 ha (174 ac) and 32.4 (80 acres)

Interface Fire Hazard Rating: Ranging from moderate to high, not within a fire protection area.

BC Assessment: Residential and Farm – Beef

Water / Sewer Services: Onsite

Agricultural Capability Ratings: The Canada Land Inventory (CLI) Agricultural Capability Maps indicate that the middle portion of the subject properties is considered to be Class 5 with limiting factors of low fertility and topography and the outer portions of the properties are considered to be Class 6 with a limiting factor of topography. The lands are not considered improvable.

Agrologist Report: An exemption from the requirement to provide a professional report was granted in June 2019.

Additional Information:

- The applicants have stated that they are not planning to subdivide the subject properties. They want to add an additional owner, the current owners' husband, to one of the property titles, but the covenant requires the lands to be transferred together.
- The applicants submitted an ALR subdivision application in 2001 to subdivide District Lot 284 into two parcels, separated by Wardner-Fort Steele Road. The application was approved subject to consolidation or binding of titles of District Lot 39 and District Lot 781. The covenant was registered to bind the two titles, as was required by the ALC.
- The applicants have stated that removal of the covenant to separate the two titles would assist them in estate planning, taxation issues and provide security for their family as there are repairs and equipment that needs to be purchased to continue maintaining and running their farm.

Consultation: APC Area C: Support

Documents Attached:

- Location Map
- Land Use Map
- Agricultural Capability Map and Key
- Portion of Covenant KX12779
- Reference Map

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