



Request for Decision ALR Subdivision Application

File No: P 723 303
Reference: 66690
Date: March 30, 2023

Subject: ALR Subdivision (Gold Creek / Lowden)
Applicant: Launny Lowden
Agent: Jean Terpsma, Terpsma Land Development Consulting
Location: 6883 Gold Creek Road
Legal: Lot A, District Lot 4591, Kootenay District, Plan 13075 (PID: 011-337-125)

Proposal: Application to subdivide the subject lot into two parcels, as divided by Gold Creek Road. The proposal includes inclusion of approximately 15.7 ha into the Agricultural Land Reserve

Options:

1. THAT the Agricultural Land Commission be advised the RDEK supports the Lowden ALR Subdivision and Inclusion application at 6883 Gold Creek Road.
2. THAT the Lowden ALR Subdivision and Inclusion application for property at 6883 Gold Creek Road be refused.

Recommendation: Option 1
The application has provided reasonable rationale and the proposed inclusion and subdivision will improve the agricultural capability for both parcels. Neighboring parcels are comparable size to the proposed lots and proposed Lot 1 has options for potential building sites that would not negatively affect agricultural productivity.

Property Information: **OCP Designation(s):**
RR, Rural Resource: which includes 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.

LH, Large Holdings: which supports rural residential development and rural resource land uses in the range of 2.0 to 8.0 ha.

OCP Policies related to Agriculture:

- Land in the ALR is generally designated and supported for agricultural use.
- The consolidation or boundary adjustment of legal parcels that support more efficient agricultural operations is supported.
- Applications for subdivision in the ALR will not generally be supported except to improve agricultural capacity.
- Applications for subdivision, non-farm use 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.

**Property
Information –
cont'd:**

- Private and Crown land that has been historically, or is currently utilized, for agriculture or leased for agricultural uses is encouraged to be maintained for these purposes.

OCP Policies related to Environmental Considerations:

- Development within the environmentally sensitive areas identified in the OCP will be managed through the Development Permit process. Prior to undertaking any work within an ESA, an applicant must receive an approved Development Permit in accordance with the OCP.

OCP Policies related to Wildlife Habitat and Corridors:

- Future land uses should promote connectivity and discourage fragmentation of contiguous ecosystems and ecosystem components to preserve landscape diversity and allow wildlife and waterfowl use, movement and dispersal.

OCP Policies related to Water Resources:

- Riparian areas should be retained in an undisturbed and natural state throughout and after the development process to promote slope stabilization, vegetation retention and preservation of fish and wildlife habitat.
- Within the plan area, all proposed development must consider the impact of the development and its corresponding water usage requirements on groundwater resources.

Zone Designation(s):

East of Gold Creek Road: RR-60, Rural Resource Zone
West of Gold Creek Road: RR-8, Rural Residential (Country Zone)

Parcel Size: Total parcel area: 92.3 ha (228.12 ac)

- East of Gold Creek Road (Proposed Remainder) ~ 57.3 ha (141.6 ac)
- West of Gold Creek Road (Proposed Lot 1) ~ 34 ha (84 ac)
- Area east of Gold Creek Road included in the proposed remainder parcel proposed for inclusion into the ALR ~ 15.7 ha (38.8 ac)

If the proposed ALR Subdivision is approved, Section 2.01(c) of the zoning bylaw would apply to the proposed remainder, which allows for a reduction in parcel size for parcels separated by a highway.

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

BC Assessment: Residential – 2 acres or more (seasonal dwelling)

Water / Sewer Services: Onsite water and sewer

**Agricultural
Capability
Ratings:**

The Canada Land Inventory (CLI) Agricultural Capability Maps indicate that the lands have a range of classifications. Please refer to the agricultural capabilities map in the attached documents for specific locations of each classification.

For those areas east of Gold Creek Road, five classification polygons are present:

- 60% class 4 (reduced range of crops) with limiting factors of stoniness and 40% Class 3(reduced range of crops) with limiting factors of adverse climate these factors are not considered improved
- Class 6 (natural grazing) with limiting factors of topography and stoniness, not considered improvable
- Class 6 with limiting factors of excess water, not considered improvable
- Class 6 with limiting factors of topography, not considered improvable
- 70% class 7 (no productivity) with limiting factors of bedrock near the surface and topography and 30% class 6 with limiting factors of topography and stoniness, not considered improvable

For those areas west of Gold Creek Road, three classification polygons are present:

- 60% class 4 with limiting factors of stoniness and 40% Class 4 with limiting factors of adverse climate these factors are considered improved
- Class 6 with limiting factors of topography and stoniness, not considered improvable
- 60% class 5 (permanent pasture or forage) with limiting factors of stoniness and topography and 40% class 6 with limiting factors of topography and stoniness, considered improved

Agrologist Report

None

**Additional
Information:**

- Currently 16 acres of the property is utilized for hay fields that are harvested annually and some seasonal grazing of pasture by a few horses and cattle occurs. The Lowden's have established a garden and small orchard. No non-agricultural uses are occurring other than rural residential use by the owners.
- There is a workshop with living space above and a few outbuildings on the east side of Gold Creek Road, there are no structures or buildings on the west side of Gold Creek Road.
- The owner is proposing inclusion of approximately 15.7 ha of land into the ALR. They believe this will create consistency and the protection of the existing hay fields.
- The proposal indicates that since purchasing the property in 2016 the owners have completed a tremendous amount of clean up and numerous improvements including:
 - Removal of old, dangerous, collapsed and tangled barbwire and rail fencing, including fencing that was along Gold Creek.
 - Removal of a large amount of garbage, metal debris and old equipment that was scattered over the land, to make the property much safer for people and livestock, and more usable.

**Additional
Information –
cont'd:**

- Repairs and new construction of perimeter and internal cross-fencing for pasture grazing.
 - A total of 9 new gates installed for entrances to both sides of Gold Creek Road, as well as gates in the cross fencing and others that connect to the neighbors and allow access to internal fields.
 - Clean up and rehabilitation of the land after the clearcut logging conducted by the previous owners. This included an extensive amount of stick and log clean up, removal of stumps, burning slash piles and planting a grass seed mix for pasture reclamation.
 - Reclamation of the lower hay fields by dredging and rehabilitation of the drainage and irrigation ditches including installation of new culverts, as well as the removal of many small trees and brush which had begun to overgrow the fields.
 - Rehabilitation of Gold Creek to remediate the water flow that was disturbed by the previous owner's logging. The logging created changes to the natural creek banks which caused flooding over areas that have potential for grazing and hay production. Work was conducted to return the water flow to its natural course.
 - Improved and restored wildlife corridors and the riparian ecosystem along Gold Creek by removing old fencing and cleaning up the logging debris.
 - Substantial bridge repairs to maintain access to the land lying east of Gold Creek.
 - Planting a vegetable garden and a small orchard of fruit trees, with plans for garden expansion including a heated greenhouse, additional fruit trees, chickens and bees.
- The application states the owner of an adjacent parcel intends to purchase proposed Lot 1 on the west side of Gold Creek Road and establish a beef cattle and horse operation.

Consultation: **APC Area C:** Supported

**Documents
Attached:**

- Location Map
- Land Use Map
- Agricultural Capability Map and Key
- Zoning Map
- OCP Designation Map
- Location Map with Proposed Subdivision
- ALR Boundary Map
- Applicant Proposal Letter
- Aerial With Photo Locations
- Applicant Provided Photos

**RDEK
Contact:**

Brett Kormos, Planning Technician
Phone: 250-489-0306
Email: bkormos@rdek.bc.ca