

STAFF REPORT TO COUNCIL

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DATE: April 5, 2022

TO: MAYOR AND COUNCIL

NAME AND TITLE: Deanna Wasnik, Director of Planning and Development

SUBJECT: Agricultural Land Reserve Application No. AR100037

Applicant: Paul Christensen for Birchgrove Farm Ltd., Inc. No. 313280
Location: 9808 Kelly Road North

ATTACHMENT(S): Location and Existing Zoning Map
Appendix "A" to AR100037
ALC Application
Ministry of Agriculture, Food and Fisheries Referral Response
Ministry of Transportation and Infrastructure Referral Response

RECOMMENDATION(S):

That Council:

1. SUPPORTS the proposed subdivision of North West $\frac{1}{4}$ of District Lot 2432, Cariboo District, Except Plan PGP39486 as described in the report dated April 5, 2022 from the Director of Planning and Development, titled "Agricultural Land Reserve Application No. AR100037"; and
2. DIRECTS Administration to forward the resolution of support from Council to the Agricultural Land Commission (ALC).

PURPOSE:

The applicant would like to subdivide 9808 Kelly Road North (subject property) using Highway 97 N to divide the subject property into two parcels, as shown on Appendix "A" to AR100037. The 63.0 ha portion located to the north of Highway 97 N is developed with forage crops and associated rural residential uses (i.e. house, garage and two barns). The 0.7 ha portion to the south of Highway 97 N is currently undeveloped.

As the government agency responsible for the ALR lands, the Agricultural Land Commission (ALC) requires a response from the City of Prince George indicating Council's opinion on the subdivision request. The ALC will then consider Council's response as part of their deliberations and ultimately approve or deny the ALR subdivision application. Should the ALC support the requested subdivision, the applicant may proceed with a subdivision application to the City of Prince George.

BACKGROUND:

Site Characteristics

Location	9808 Kelly Road North
Legal Description	The North West ¼ of District Lot 2432, Cariboo District, Except Plan PGP39486
Current Use	<ul style="list-style-type: none">63.0 ha portion is developed with forage crops and rural residential uses0.7 ha portion is not developed
Site Area	63.7 ha
Zoning	AF: Agriculture & Forestry

Official Community Plan Bylaw No. 8383, 2011

Future Land Use	Rural Resource
Growth Management	Rural Resource

Surrounding Land Use Table

North	Undeveloped agricultural land
South	Rural Residential and Highway 97 N
East	Highway 97S, residential and undeveloped agricultural land
West	Kelly Road North and Rural Residential

POLICY / REGULATORY ANALYSIS:

Canada Land Inventory

The province's soil capability index mapping rates the agricultural capacity of soils with a range of classes from 0 (Organic Soils) to 7 (no capability for Arable Culture or Permanent Pasture). Each class may also include subclass notations regarding topography and climatic conditions based on the type and extent of limitations to agricultural uses.

The subject property is located within four soil classifications. The subject property has an agricultural capability rating of 80% Class 4M and 20% 5TM where M is the potential for moisture limitations and T is the potential for topographical limitations. Please see below for a breakdown of the soil classifications on the subject property.

Class 4M soils are characterized as having severe limitations that restrict the range of crops or require special conservation practices. The M subclass consists of soils where crops are adversely affected by drought owing to inherent soil characteristics of low water holding capacity.

Class 5TM soils are characterized as appropriate for forage crops with feasibility for improvement. The M subclass consists of soils where crops are adversely affected by drought owing to low water holding capacity soil characteristics. The T subclass is made up of soils where topography is a limitation

Official Community Plan Bylaw No. 8383, 2011 (OCP)

The subject property is designated as 'Rural Resource' on *Schedule B-6: Future Land Use* of the OCP. The intent of the Rural Resource designation is for areas used for agriculture, forestry and resource extraction that are important in the long-term health of the regional economy. The City should permit a minimum parcel size of 15.0 ha in Rural Resource areas (Policy 8.1.20).

Policy 8.1.8 of the OCP states that the City does not support farmland subdivisions in the ALR that produce any parcels smaller than 15 hectares in area. As indicated previously, the subject property is bisected by Highway 97, as shown on Appendix "A" to AR100037. The 63.0 ha portion located to the north of Highway 97, exceeds the 15.0 ha minimum required by the OCP. However the 0.7 ha portion is undeveloped and fragmented from agricultural uses and does not meet the above regulation of the OCP.

Given that the property is bisected by the Highway, utilizing the fragmented 0.7 ha portion of the subject property presents a number of logistical challenges for the applicant, including transporting farm equipment across the highway. In addition, the 0.7 ha portion may not be economically viable for the property owner to utilize for cultivation and production due to its size.

Although the 0.7 ha portion of the property does not meet the minimum parcel size of the OCP, Administration is supportive of the application. The 63.0 ha portion of the property will remain in tack and will continue to be used for cultivation of forage crops and associated agricultural uses.

Zoning Bylaw No. 7850, 2007

The subject property is zoned AF: Agriculture and Forestry. The purpose of the AF: Agriculture and Forestry zone is to conserve and manage agricultural and forestry land by providing for a compatible range of uses with regulations that maintain parcels of at least 15.0 ha in size. The AF zone also provides for a residential dwelling on large parcels and complementary residential related uses that are compatible with the secondary residential role of an agriculture and forestry area.

The applicant proposes to create one (1) 63.0 ha and one (1) 0.7 ha parcel. As indicated previously, the 63.0 ha parcel meets the minimum requirements of 15.0 ha. However, the 0.7 ha parcel does not meet the minimum lot area. In this scenario, Section 4.6.1 of the Zoning Bylaw indicates, the minimum lot area provisions of this bylaw shall not apply where one existing lot is being bisected into two lots by a highway. Therefore, the minimum lot area provisions of the AF zone does not apply for the proposed subdivision. Should the applicant wish to rezone the 0.7 ha portion in the future, a rezoning application would be required.

Administration supports this application, as the proposal is consistent with the OCP and Zoning Bylaw.

Referrals

Ministry of Agriculture, Food and Fisheries

The Ministry of Agriculture, Food and Fisheries (MoAFF) provided a letter with comments for Council's consideration, which indicates the following items:

- Approximately 48 ha of the proposed 63 ha parcel is cultivated with forage crops while the remaining 15.0 ha is forested.
- The proposed 0.7 ha parcel is entirely forested, does not contain any structures and borders a residential subdivision to the southeast that is not located within the Agricultural Land Reserve (ALR).
- The subject property is bisected by the highway, farming both pieces as one unit may present some logistical/safety challenges; specifically, transporting farm equipment across the highway from the 63.0 ha portion of the subject property to the 0.7 ha portion of the property. It may not be logical or economic for the farmer to utilize this portion for forage production.
- Ministry staff recognize that if the subdivision is approved, the 0.7 ha parcel will likely be used as a rural residential property given both the small size and relative location of the parcel. The subdivision would likely have neither positive or negative impact on agriculture on the property itself or on a greater vicinity of the property.

Ministry of Transportation and Infrastructure

The Ministry of Transportation and Infrastructure provided a letter with comments for Council's consideration, which indicates the following items:

- Should the application be approved, please provide the subdivision plan for review and approval. Pursuant to Section 80 of the *Land Title Act*, the Ministry has authority to regulate subdivisions adjacent to a Controlled Access Highway.
- The Ministry will require additional road dedication along Highway 97 to maintain consistent width through the highway corridor for maintenance and future highway improvements.
- Access to the Subject Property must be from Kelly Road North or Burgess Road; direct access to Highway 97 is not supported.
- No storm drainage shall be directed to Ministry of Transportation and Infrastructure drainage systems. This includes but is not limited to collection and run-off of the internal road system.

ALTERNATIVES:

1. Approve the resolution
2. Approve the resolution as amended
3. Refuse the resolution
4. Defer or otherwise deal with the resolution

Administration recommends that Council approve the resolution as written in the recommendation section of this report.

SUMMARY AND CONCLUSION:

The applicant has applied to the Agricultural Land Commission in order to subdivide the subject property to create one (1) 63.0 ha lot and one (1) 0.7 ha lot within the Agricultural Land Reserve. Administration recommends Council send a resolution of support for the application for the reasons outlined in this report.

RESPECTFULLY SUBMITTED:

Deanna Wasnik, Director of Planning and Development

PREPARED BY: Melissa Nitz, Planner

APPROVED:

Adam Davey, Acting City Manager

Meeting Date: 2022/04/25