

**DATE:** June 2, 2021

**TO:** MAYOR AND COUNCIL

**NAME AND TITLE:** Ian Wells, Acting Deputy City Manager

**SUBJECT:** Application No. AR100035 for Subdivision in the Agricultural Land Reserve (ALR)

Applicant: Sang Hyun Ban  
Location: 9950 North Kelly Road

**ATTACHMENT(S):** Location and Existing Zoning Map  
Appendix "A" to AR100035  
Ministry of Agriculture, Food and Fisheries letter dated April 26, 2021  
Supporting Documents

**RECOMMENDATION(S):**

THAT Council:

1. SUPPORTS the subdivision of the subject property legally described as The South West  $\frac{1}{4}$  of District Lot 2431, Cariboo District, as shown as Appendix "A" to AR100035; and
2. DIRECTS Administration to forward the resolution from Council to the Agricultural Land Commission (ALC).

**PURPOSE:**

The subject property (9950 North Kelly Road) is located within the Agricultural Land Reserve (ALR). The applicant is proposing to subdivide the subject property into four (4) 16.0 ha lots as shown on Appendix "A" to AR100035. The purpose of the subdivision is to divide the property between the applicant and family members who purchased the property in 2011.

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	9950 North Kelly Road
Legal Description	South West ¼ of District Lot 2431, Cariboo District
Current Use	Undeveloped agricultural land
Site Area	64.0 ha (158 acres)
Zoning	AF: Agriculture and Forestry

### Official Community Plan Bylaw No. 8383, 2011

Future Land Use	Rural Resource
Growth Management	Rural Resource

### Surrounding Land Use Table

North	Rural Residential
East	Undeveloped agricultural land and Highway 97
South	Developed agricultural land
West	North Kelly Road and Rural Residential

## POLICY / REGULATORY ANALYSIS:

### Property Background

Currently the subject property is undeveloped and fully vegetated with forest cover. The applicant purchased the subject property with family members in 2011. The purpose of the application is to subdivide the subject property into four (4) 16 ha lots. This would allow each family member to have a separate lot. The proposed lots would be created along North Kelly Road as shown on Appendix "A" to AR100035.

### 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 two soil classifications with 80% of the property within Class 4M and the remaining 20% of the property within Class 5TM soils for a mixed Agricultural Capability. Please see below the definition of the soil capability index:

**Class 4M-** these soils are defined as having "*severe limitations that restrict the range of crops or require special conservation practices or both*". Soils in Class 4 have limitations such as they are only suitable for a few crops such as forage, some grains and pastures or the yield for a range of crops is low and risk of crop failure is high. The limitations may affect farm practices such as timing ease of tillage, planting and harvesting. These soils are low to medium in productivity for a narrow range of crops but may have higher productivity for a specially adapted crop.

The soil is in subclass 'M' (moisture limitations). This subclass consists of soils with low water holding capacity, which can adversely affect crops due to rapidly draining soils.

**Class 5TM-** these soils are defined as having "*very severe limitations that restrict their capability to producing perennial forage crops, and improvement practices are feasible*". Soils in Class 5 have such serious soil, climatic or other limitations that are not capable of use for sustained production of annual field crops. However, they may be improved by the use of farm machinery for the production of crops or improvement practices including clearing or bush, cultivation, seeding, fertilizing and water control.

The soil is also in two (2) subclasses 'T' (topography) and 'M' (moisture limitations). The subclass 'T' consists of soils where topography is a limitation. Both the percent of slope and the pattern or frequency

of slopes in different directions affects the cost of farming and the uniformity of growth and maturity of crops as well as the hazard of erosion. The subclass 'M' (moisture limitations) consists of soils with low water holding capacity, which can affect crops due to rapidly draining soils.

The soils of the subject property are a combination of 80% Eena (rapidly draining loam) and the remaining 20% is the productive and desirable Pineview soils (silty clay). As such, they are considered appropriate for the agricultural production of forage, some grains and pasture. It is important to note that capability subclasses do not preclude agricultural production but provide insight into management considerations for farming practices, crop selection and other management factors.

#### **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). The City does not support farmland subdivisions in the Agricultural Land Reserve (ALR) or agriculturally valuable lands that produce any parcel smaller than 15 ha (Policy 8.1.8).

The proposed subdivision would create four (4) 16.0 ha parcels, which exceed the 15.0 ha size requirement for subdivisions within the ALR and meets the intent of the Rural Resource designation.

#### **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 zone also provides for a dwelling on large parcels and complementary residential related uses that are compatible with the secondary residential role of an agriculture and forestry area.

The proposed subdivision is consistent with the subdivision provisions of the AF zone for a minimum lot area of 15.0 ha and minimum lot area of 100.0 m. The proposed lots will have a lot area of 16.0 ha and a lot width of 200.0 m as shown in the supporting documents.

#### **Referrals**

##### Ministry of Agriculture, Food and Fisheries (MoAFF)

The Ministry of Agriculture, Food and Fisheries (MoAFF) provided a letter with comments for Council's consideration. Please refer to the Ministry's letter dated April 26, 2021, which indicated the following items:

- Subdivision and the creation of smaller lots can erode long term agricultural and economic potential of a parcel and increase land cost per acre, which can limit farm business opportunities.
- Should the application be approved, it is encouraged that lawful fences are established for all resulting parcels. This is an important step in agricultural areas and can be a key step in protecting both parcels and any owners/future owners from legal issues and conflicts.
- Should the application be approved, the resulting parcel should remain in the ALR and continue to be subject to all pertinent regulations and policies of the Agricultural Land Commission (ALC).

#### **ALC Approval**

If the Agricultural Land Commission approved this application, the property owner will need to apply to the City for a subdivision to facilitate the proposed four (4) 16.0 ha lots.

#### **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.

**SUMMARY AND CONCLUSION:**

The applicant has applied to subdivide within the ALR to create four (4) 16.0 ha lots from the existing 64.0 ha. Administration recommends that Council support this application as the proposed subdivision meets the policies of the OCP and subdivision regulations of the Zoning Bylaw.

**RESPECTFULLY SUBMITTED:**

Ian Wells, Acting Deputy City Manager

**PREPARED BY:** Melissa Nitz, Planner

**APPROVED:**

Walter Babicz, Acting City Manager

Meeting Date: 2021/06/28