



**REGIONAL DISTRICT
of Fraser-Fort George**

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REPORT FOR CONSIDERATION

TO: Chair and Directors

File No.: ALR 811/C

FROM: Scott Monroe, Planner I

DATE: June 10, 2024

SUBJECT Application for Subdivision in the Agricultural Land Reserve - 100242

SUMMARY: Purpose: Consider Application
 Location: 8725 Shelley Road East – Electoral Area F
 Owner: Garth Sandy and Cindy Sandy

Attachments:

1. Backgrounder
2. Agricultural Land Commission Application No. 100242

Previous Reports: None

RECOMMENDATION(S):

1. THAT the report, dated June 10, 2024, regarding “Application for Subdivision in the Agricultural Land Reserve - 100242” be received for information.
2. THAT Application No. 100242 for subdivision in the Agricultural Land Reserve on Block C District Lot 811 Cariboo District Except Plan EPP2872 be authorized to proceed to the Agricultural Land Commission.

ENTITLEMENT	HOW VOTE COUNTED
All 1 Director/1 vote	Majority
All 1 Director/1 vote	Majority

SUMMARY OF APPLICATION:

Location:	8725 Shelley Road East – Electoral Area F
Legal Description and PID:	Block C District Lot 811 Cariboo District Except Plan EPP2872 – 98.28 ha. 023-296-399
Applicant(s):	Garth Sandy and Cindy Sandy
Existing Uses:	The subject property currently has one Residential-Single Family dwelling and several accessory buildings. The remainder of the property is cleared with some treed areas. Some of the cleared areas are in hay production.
Proposal:	The subdivision application has been made to permit subdivision of the subject property into 3 lots within the ALR. Two of the proposed lots will have a size of 9.405 hectares and the remainder lot will have a size of 79.43 ha.
Application Type:	Application for subdivision in the Agricultural Land Reserve

BOARD CONSIDERATION:

The Board is being asked to consider receiving the report. Full options and corresponding motions are detailed under the Decision Options section of the report.

RELEVANT POLICIES:

Official Community Plan:	The proposed subdivision is <u>not consistent</u> with Willow River-Upper Fraser Valley Official Community Plan Bylaw No. 1589, 1996. An Official Community Plan amendment would be required if the subdivision is approved by the Agricultural Land Commission.
Zoning Bylaw:	The proposed subdivision is <u>not consistent</u> with Zoning Bylaw No. 2892, 2014. A Zoning Bylaw amendment would be required if the subdivision is approved by the Agricultural Land Commission.
Agricultural Land Reserve Applications Policy No. RD-15-19	Provides the framework for processing ALR applications. A notice requesting written submission was mailed to property owners within 200 metres of the subject property and posted to the Regional District’s website.
<i>Agricultural Land Commission Act:</i>	Sets the legislative framework for the establishment and administration of the Agricultural Land Commission and reserve.
Agricultural Land Reserve General Regulation and Agricultural Land Reserve Use Regulation:	Subsidiary legislation that details permitted uses and application processes within the ALR.

STRATEGIC ALIGNMENT:

- Climate Action
 Economic Health
 Indigenous Relations
 Strong Communities
 None – Statutory or Routine Business

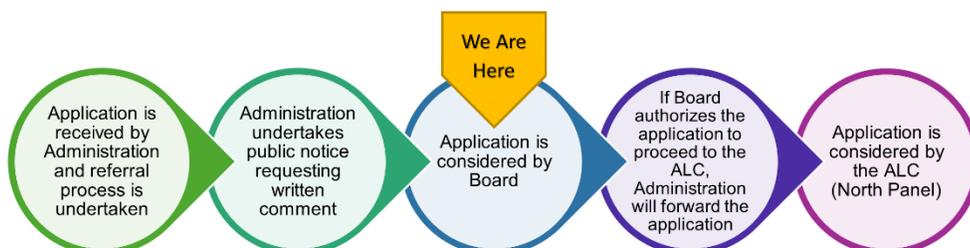
SERVICE RELEVANCE:

Regional District Land Use Planning Services is a region wide service and fulfils the obligations of land use planning under Part 14 of the *Local Government Act*.

FINANCIAL CONSIDERATION(S):

N/A

OTHER CONSIDERATION(S):



DECISION OPTIONS:

1. Approve recommendations
 - the report will be received.

Other Options:

DIRECTION	ACTIONS THAT WILL BE TAKEN	MOTIONS REQUIRED
A. Authorize the application to proceed to the ALC with comments.	An additional resolution may be made to recommend that the Regional District supports approval of the application, and the resolution may include rationale for the support.	<i>THAT the Regional District Board supports approval of Application 100242 for Subdivision in the Agricultural Land Reserve due to the reasons [insert reason].</i>
B. Postpone consideration pending receipt of further information.	The application will return for further Board consideration when information is available.	<i>THAT Application 100242 for Subdivision in the Agricultural Land Reserve be postponed pending receipt of [insert requirement].</i>
C. Deny authorization for the application to proceed to the ALC.	The application will not be forwarded to the ALC.	The Regional District Board <u>defeats</u> the following: <i>THAT Application 100242 for subdivision in the Agricultural Land Reserve on Block C District Lot 811 Cariboo District Except Plan EPP2872 be authorized to proceed to the Agricultural Land Commission.</i>

SUMMARY COMMENTS:

- The proposed subdivision is not supported by the Willow River-Upper Fraser Valley Official Community Plan Bylaw No. 1589, 1996, or by Zoning Bylaw No. 2892, 2014. An Official Community Plan and Zoning Bylaw amendment would be required if the subdivision is approved by the Agricultural Land Commission.
 - The property is designated Agriculture/Resource (Ag/Res) by the OCP. For agricultural land within this designation, the OCP states that the Regional Board will, amongst other things, support the *Agricultural Land Reserve Act* and discourage fragmentation of agricultural land by subdivision.
- Comments received from referral agencies are included in the Backgrounder.
 - The Ministry of Agriculture and Food attached their templated response on Subdivision in the Agricultural Land Reserve which includes several comments identifying subdivision as a process frequently not beneficial to agriculture.
 - The Ministry of Transportation and Infrastructure noted that if the applicants are granted approval and wish to proceed with subdivision, they must apply to the Ministry for approval.
- No public submissions were received prior to the deadline of 12:00 pm on June 3, 2024.

The Official Community Plan discourages subdivision of agricultural land; the Zoning Bylaw does not permit the proposed subdivision. Furthermore, as identified by the Ministry of Agriculture, subdivision for residential purposes is frequently not beneficial to agricultural operations. For these reasons, it may be reasonable for the Board to consider denying authorization for the application to proceed to the Agricultural Land Commission.

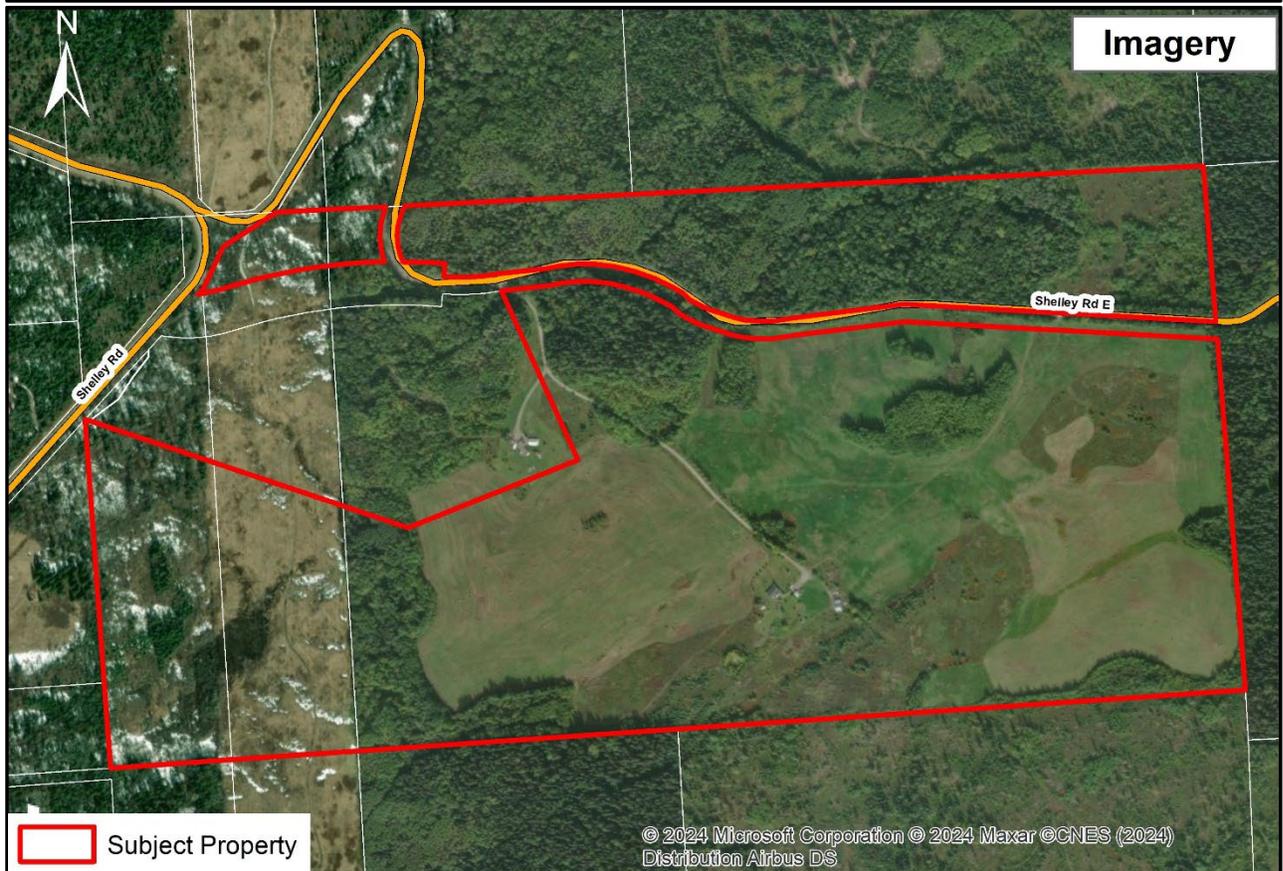
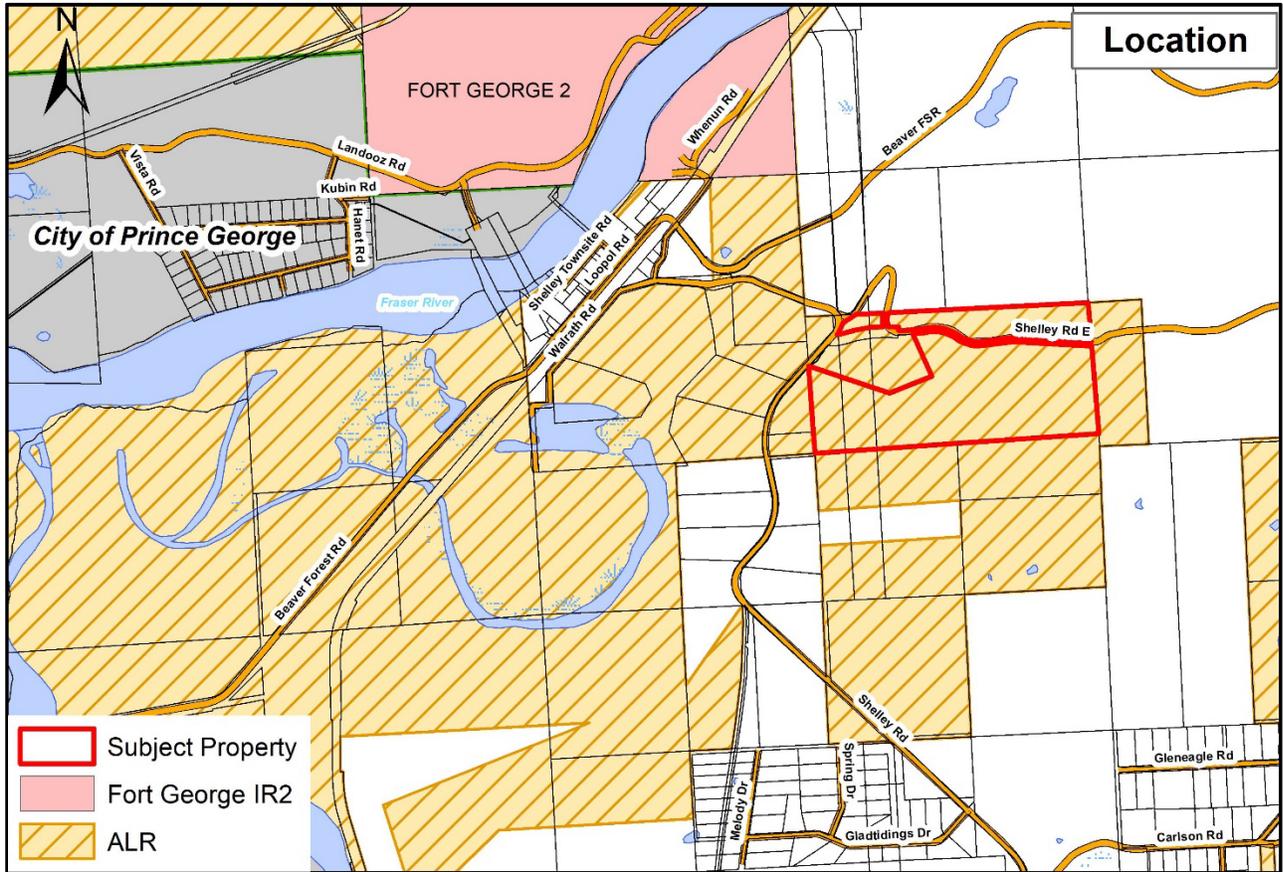
Respectfully submitted,

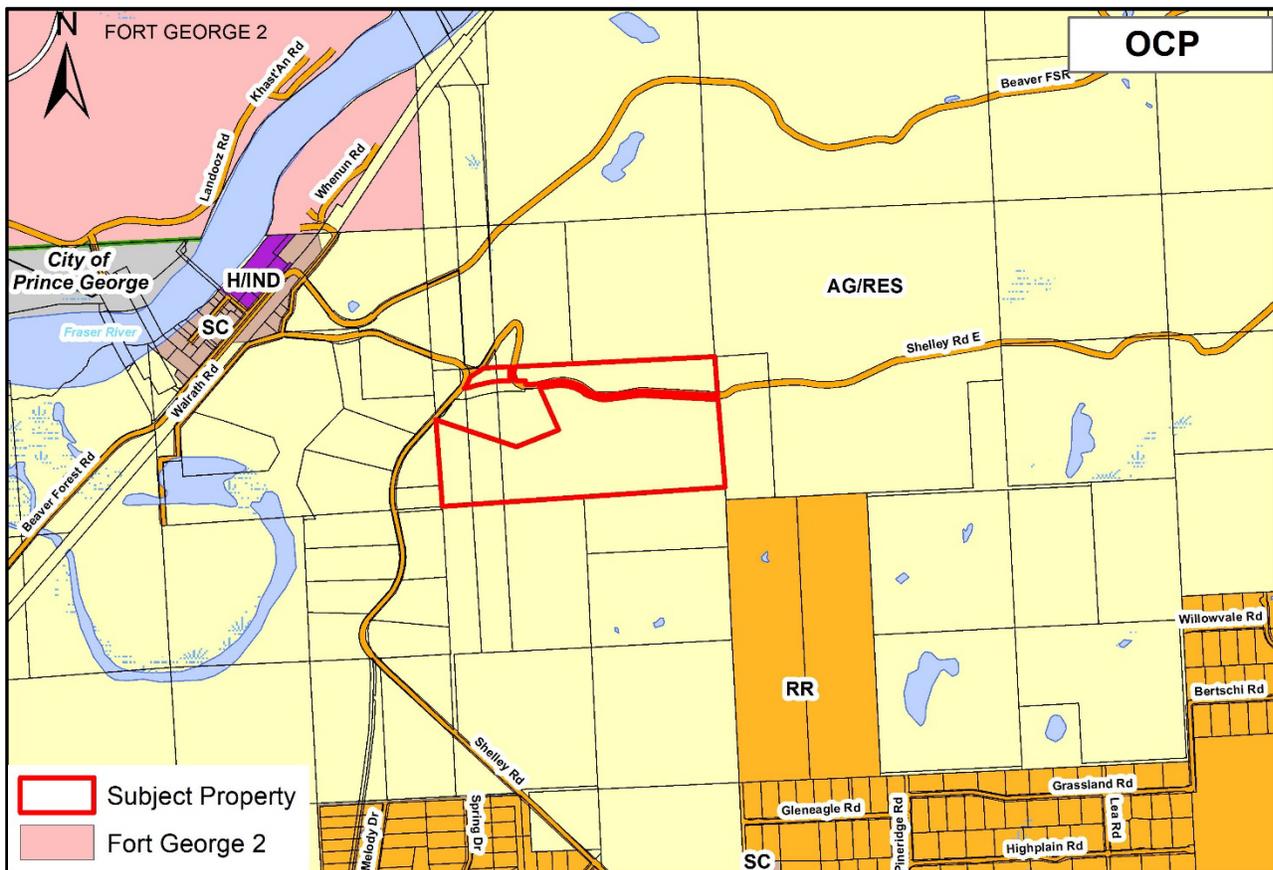
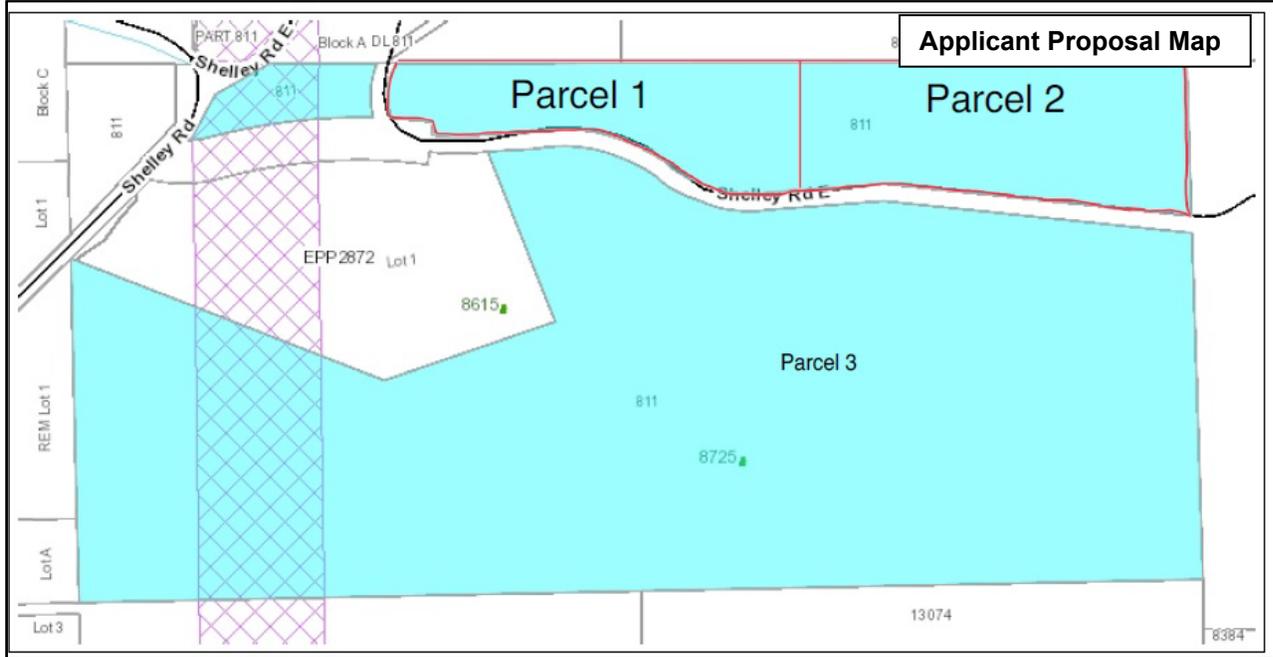
Scott Monroe

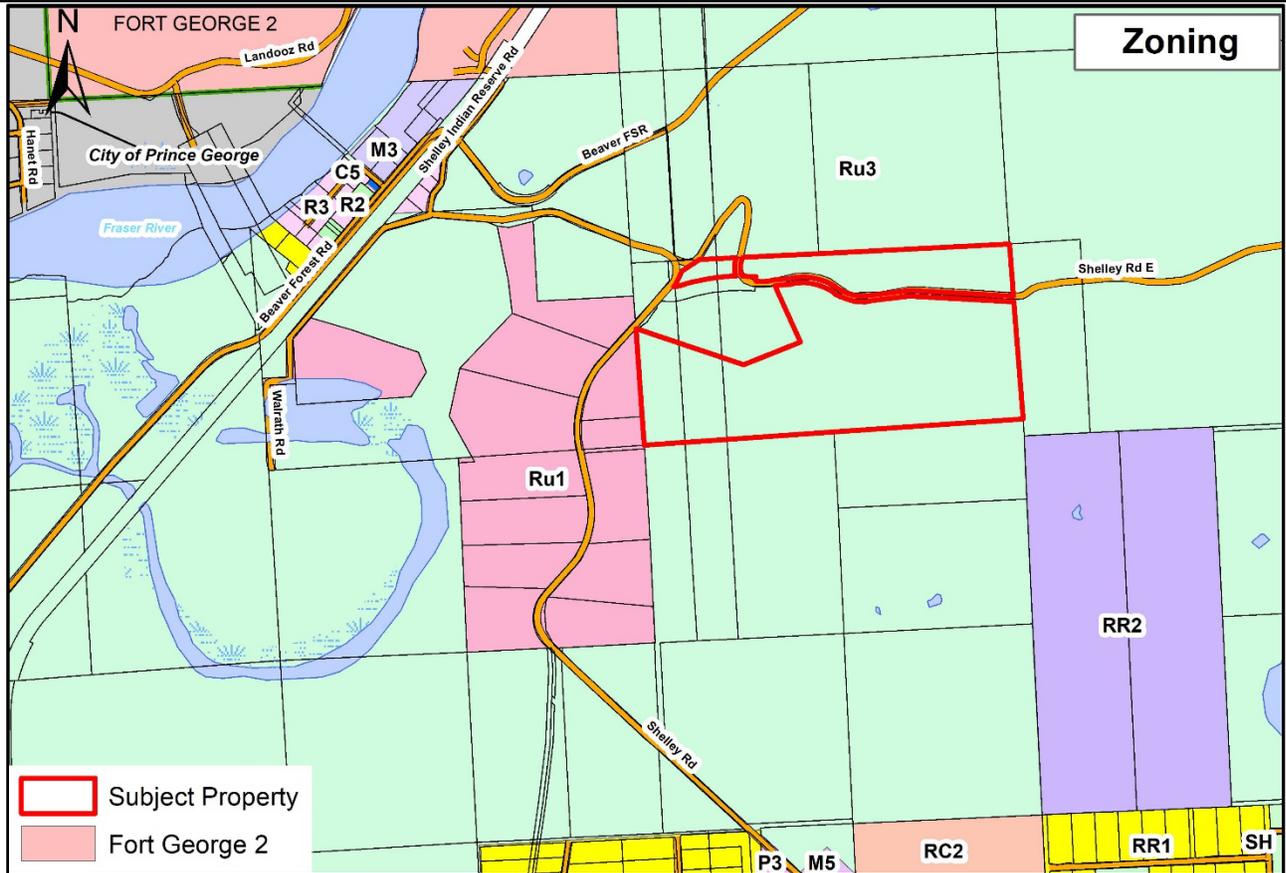
Scott Monroe
 Planner I
 SM:cc

BACKGROUND – APPLICATION FOR SUBDIVISION IN THE ALR 100242

PARCEL MAPS







LAND USE PLANNING INFORMATION

ALR: The subject property is entirely within the Agricultural Land Reserve (ALR).

Subdivision requires approval from the Agricultural Land Commission (ALC). The Regional District Board can choose to either:

- a) prevent the application from proceeding to the ALC for a decision; or
- b) approve the application to proceed to the ALC for a decision (with or without comments)

If the Regional District Board approves the application to proceed it will be forwarded to the Agricultural Land Commission (ALC) for a decision pursuant to the purposes of the Commission as set out in the *Agricultural Land Commission Act*:

6(1) *The following are the purposes of the commission:*

- a. *to preserve agricultural land reserve;*
- b. *to encourage farming of land within the agricultural land reserve 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 land within the agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.*

(2) *The commission, to fulfill its purposes under subsection (1), must give priority to protecting and enhancing the following in exercising its powers and performing its duties under this Act:*

- a. *the size, integrity and continuity of the land base of the agricultural land reserve;*
- b. *the use of the agricultural land reserve for farm use.*

Official Community Plan:

The subject property is designated Agriculture/Resource (Ag/Res) by the Willow River-Upper Fraser Official Community Plan Bylaw No. 1589, 1996. Within the AG/RES designation, the minimum area of a lot to be created by subdivision is 60.0 ha. As this subdivision would create two lots under this size, an OCP amendment would be required if the subdivision is approved by the ALC.

The Ag/Res designation contains the following policy:

3.2.5 Agricultural Land

*With respect to the protection of the agricultural land base the **Regional Board** will:*

- (i) support the Agricultural Land Reserve Act with its general objective of protecting agricultural land for future food production;*
- (ii) discourage and restrict the fragmentation of agricultural land by subdivision by means of generally large minimum parcels size regulations;*
- (iii) direct non-farming residential uses to existing residential settlements and away from existing or potential future agricultural areas;*
- (iv) not promote development of agricultural land for non-agricultural uses unless it is shown that there is no practical alternative location or that it will not be detrimental to the long term agricultural potential of the land;*
- (v) support the buffering of agricultural land in the ALR from the impact of new non-agricultural subdivision that may include the provision of leave strips.*

Zoning:	The subject property is zoned Rural 3 (Ru3) by Zoning Bylaw No. 2892, 2014. The minimum lot size that can be created by subdivision within the Ru3 zone is 60.0 ha. As this subdivision would create two lots under this size, an OCP amendment would be required if the subdivision is approved by the ALC.
Other:	The subject area is in the following service areas: <ul style="list-style-type: none"> • Shell/Glen Fire/Rescue <p>The subject property is accessed on Shelley Road East.</p>
Previous ALR Applications:	The applicants previously obtained approval to subdivide land in August 2007 under Delegation Application No. 20/07. The subdivision approval allowed the 113.0 ha. property to be subdivided into a 15.0 ha lot. and a 97.93 ha lot. The subject property is the result of that subdivision.
Future RDFFG Applications:	If the ALC application is approved, an Official Community Plan and Zoning Bylaw amendment would be required to permit the proposed subdivision.

REFERRAL COMMENTS

RDFFG Building Inspection

No concerns, any new structures require a building permit.

Dana Ferguson – Senior Building Inspector

Ministry of Transportation and Infrastructure

The Ministry of Transportation & Infrastructure (MoTI) has received the above noted referral from the Regional District of Fraser Fort George regarding the ALR Subdivision. The application has been reviewed and approved. Please note the following:

- 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.
- MoTI setback requirements to be followed as per Section 12 of the Provincial Undertakings Regulation

Restriction on placement of buildings or other structures

12 An owner, occupier or lessee of land must not, without the consent of the minister, place or cause or allow to be placed any building, trailer, mobile home or other structure within the following distance from the property line fronting on any arterial highway within a municipality or on any highway in unorganized territory:

- (a) if a public lane or alley provides secondary access to the property, 3 m;*
- (b) in any other case, 4.5 m.*

- It appears this application is outside of the 800m Controlled Area radius, so if the proposal is to move forward under a zoning bylaw amendment, Ministry sign off on the bylaw will not be required.
- Should the Applicants be granted approval, and if they want to proceed with subdivision, they must apply to MoTI for subdivision approval by the Provincial Approving Officer appointed under the Land Title Act;
 - Any future subdivision must meet MoTI subdivision guidelines and/or conditions identified during the subdivision process, and it is the Applicant's responsibility to adhere to all relevant legislation;
 - The proposed layout as submitted is not guaranteed as it is dependent on review and approval by the Provincial Approving Officer.
 - Note that ALC approval will be required to proceed with Rural Subdivision.
 - To submit an application online, a BCeID is required, which they can register for here and then they can apply for the subdivision here. If they have any questions or want to discuss the subdivision application process further, they can reach out to DA.FortGeorge@gov.bc.ca

Terrell Balan – Development Officer

Ministry of Agriculture and Food

Thank you for the opportunity to provide comment on this ALC subdivision application referral. Given that this application is being pursued in order to facilitate subdivision in the ALR, please find attached our letter response dated October 30, 2023. Ministry staff have prepared this letter as part of an extended pilot project (March 10, 2023 - October 2024) providing feedback to local governments regarding subdividing land in the ALR and its impact on agricultural activity. The letter explains this initiative in more detail.

Gregory Bartle – Land Use Planner



October 30, 2023

File: 0280-30

Ref: 201422

Dear Local Government Planning Staff:

Ministry of Agriculture and Food (the Ministry) staff have noted that there has been a marked increase in Agricultural Land Commission (ALC) subdivision applications over the past few years, resulting in increased referral workload for local government, the Ministry and ALC staff.

A recent referral impact review project conducted by the Ministry, which reviewed 148 referrals from 26 local governments over a six-month period, showed that 80 percent of ALC subdivision applications were assessed by Ministry staff as “not beneficial to agriculture”; however, local government councils and boards opted to send these applications to the ALC for decision in nearly every instance. While local government decisions to forward these applications to the ALC are inconsistent with Ministry staff input, 92 percent of ALC decisions are consistent with Ministry staff’s assessment (i.e., applications identified as not beneficial to agriculture are refused).

Given the similar input provided by Ministry staff on most subdivision applications, the limited impact that Ministry referral responses have on local government decisions, and current staff workload pressures, the Ministry discontinued parcel-specific review of ALC subdivision applications for an initial six-month trial period from March 2023 to September 2023. The Ministry has extended the trial period for an additional 12 months from October 2023 to October 2024. At the conclusion of the 18-month trial period, Ministry staff will complete an analysis to determine how ALC subdivision application referrals from local governments will be reviewed moving forward. In the interim, Ministry staff will focus on developing alternative outreach and education mechanisms to support land use decisions that benefit agriculture.

In the absence of a parcel-specific review, local government planning staff and decision makers are encouraged to consider the following when reviewing ALC applications for subdivision on the Agricultural Land Reserve (ALR).

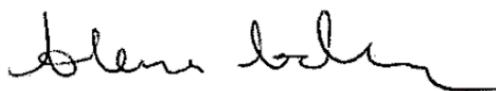
- Subdivision in the ALR frequently results in each parcel having diminished agricultural potential and an increase in land cost per hectare due to increased residential and accessory structures. Smaller lots and increased residential structures can also increase conflict between adjacent land uses.

.../2

- Ministry data, through Agricultural Land Use Inventories (ALUI), shows that smaller agricultural lots are less likely to be farmed.
- A [2022 Kwantlen Polytechnic University study](#) exploring the impact of non-farm uses and subdivision on agricultural land found that in regions of British Columbia (B.C.) reviewed, “30 percent of all new parcels created as a result of subdivision ceased to have a farm class status”, and “64 percent of all the parcels had their ownerships transferred within three years after non-farm use and subdivision applications were approved. This percentage becomes higher for subdivided parcels” (Summary Results, p.1-2).
- To advance viable long-term agricultural opportunities on the ALR, Ministry staff encourage ALR landowners to pursue alternative land access and tenure options, other than subdivision, (such as the leasing of portions of the property) as part of a coordinated succession plan. For more information on [B.C.’s Land Matching Program](#), please visit the [Agrarians Foundation](#) organization website.
- The Ministry also provides resources to producers to support successful farm transition, including support through the [B.C. Agri-Business Planning Program](#), as well as succession planning workshops and webinars to familiarize farmers with the steps and practices required for a successful farm transition.
- Ministry staff are available to discuss viable agricultural opportunities with the landowners considering pursuing farming activities on ALR land. For more information or to contact Ministry staff, please visit the Ministry [AgriService BC webpage](#) or email AgriServiceBC@gov.bc.ca.

While the Ministry will not be providing a detailed review and response to this parcel-specific referral, please feel free to reach out to Ministry staff with specific questions or for advice on this referral or land use planning for agriculture in general.

Sincerely,



Arlene Anderson

Executive Director

Phone: (778) 698-5170

Email: Arlene.Anderson@gov.bc.ca



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 100242
Application Type: Subdivide Land in the ALR
Status: Submitted to L/FNG
Applicant: Sandy et al.
Local/First Nation Government: Fraser Fort George Regional District

1. Parcel(s) Under Application

Parcel #1

Parcel Type Fee Simple
Legal Description BLOCK C DISTRICT LOT 811 CARIBOO DISTRICT EXCEPT PLAN EPP2872
Approx. Map Area 98.28 ha
PID 023-296-399
Purchase Date Apr 15, 2003
Farm Classification No
Civic Address 8725 shelley road east
Certificate Of Title Certified Copy of Title.pdf

Land Owner(s)	Organization	Phone	Email	Corporate Summary
Garth Sandy	No Data	██████████	██████████ ████	Not Applicable
Cindy Sandy	No Data	██████████	██████████ ████	Not Applicable

2. Other Owned Parcels

Do any of the land owners added previously own or lease other parcels that might inform this application process? No

3. Primary Contact

Will one of the landowners or government contacts added previously be the primary contact? No

Type Third-Party Agent

First Name Jenna

Last Name Sandy

Organization (If Applicable) No Data

Phone [REDACTED]

Email [REDACTED]

4. Government

Local or First Nation Government: Fraser Fort George Regional District

5. Land Use

Land Use of Parcel(s) under Application

Describe all agriculture that currently takes place on the parcel(s). 60% hay

Describe all agricultural improvements made to the parcel(s). No agricultural improvements.

Describe all other uses that currently take place on the parcel(s).

125 square meter house and 65 square meter barn

Choose and describe neighbouring land uses

	Main Land Use Type	Specific Activity
North	Residential	Partially cleared, heavily treed areas
East	Agricultural / Farm	A.R.E Trees Ltd.
South	Agricultural / Farm	Farmland, cows and horses, hay fields
West	Residential	Field with 1200 sq ft trailer residential

6. Proposal

Proposed Lot Areas

#	Type	Size
1	Lot	9.405
2	Lot	9.405
3	Lot	79.47

What is the purpose of the proposal?

The purpose of this proposal is to subdivide out 2 parcels of property for family (our children and their spouses) to build homes to support the maintenance of the current property. By enabling generational family to be within close proximity to the current farmland it allows for the continued agricultural use of the land, as well as furthering the potential for agricultural growth, integrity and value of the land and surrounding area.

Why do you believe this parcel is suitable for subdivision?

This parcel is suitable for subdivision as it is currently unused, partially cleared and heavily treed, rendering it unsuitable for agriculture at present. This configuration was chosen as there is an existing road separating the proposed 2 parcels from the main body of the property.

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

By allowing generational family to live in closer proximity to the existing farmland, it enables more support for the maintenance of the current property. The agricultural integrity and value of the subdivided land will only increase moving forward with the potential for small livestock (goats, pigs, chickens, rabbits, etc.) and their associated products, as

well as the potential for various types of produce. The subdivision proposal can lead to an increase in biodiversity of plant life, and vegetation allowing for the preservation of bees and their ecosystems as well. This will then allow the land and its surrounding area to increase in prosperity and diversity in both the short term and long term.

Proposal Map / Site Plan

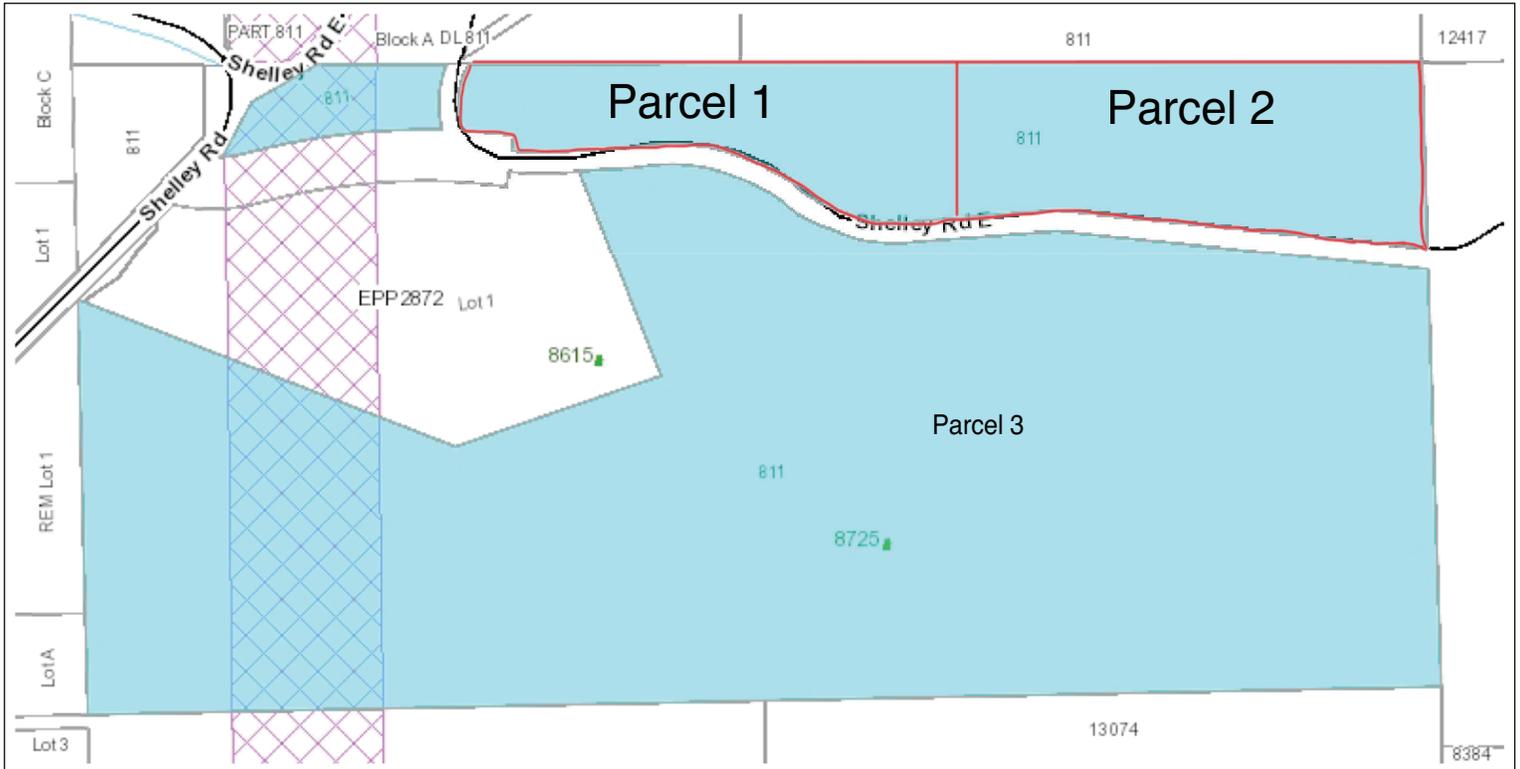
Property Plan.pdf

Are you applying for subdivision pursuant to the ALC Homesite Severance Policy?

No

7. Optional Documents

Type	Description	File Name
Other files that are related	Proposal from Landowners	Proposal Letter.pdf
Other files that are related	Regional District Property Map	Block C District Lot 811.pdf


Property Information

PID:	023296399	Parcel Map BC Area AC:	242.85
JUROL:	2675711126100	Parcel Map BC Area HA:	98.28
Legal Plan:	NO_PLAN	Ownership Type:	PRIVATE
Civc Address(es):	8725 SHELLEY RD E		
Legal Description:	BLOCK C DISTRICT LOT 811 CARIBOO DISTRICT EXCEPT PLAN EPP2872		

Land Use Information

Electoral Area/Municipality:	Area F - Willow River-Upper Fraser		
Is all or part of this property within a Development Permit Area?	NO		
Is all or part of this property within the Agriculture Land Reserve?	YES		
Zoning Designation(s) on this property?	Rural 3 (Ru3)		
OCP Designation(s) on this property?	Willow River-Upper Fraser	Agriculture/Resource (AG/RES)	

Service Area Information

Is all or part of this property within a Fire Protection Area?	SHELL-GLEN FIRE/RESCUE		
Is all or part of this property within a RDFFG Service Area?	Not in a Participating Service Area		

The information provided herein is for assistance and convenience only, and should not be relied upon as or as a substitute for legal advice. In the event of any conflict between the information provided herein and any enactments of the Regional District of Fraser-Fort George or the Provincial/Federal governments, the enactments will prevail. In the event that there is a discrepancy between BC Assessment and PMBC parcel areas, please consult the legal survey plans for the authoritative area.

Garth & Cindy Sandy
8725 Shelley Road East
Prince George, B.C.
V2K5G1

To Whom It May Concern:

A brief history of our family on Shelley Road East.

If COVID-19 has taught us anything it is the importance of family and being close to the ones who matter most. As the long-time owner of the property, which we would like to subdivide, our goal is to enable our children to own a piece of the land that they grew up on and farmed with their parents and grandparents. My wife Cindy's grandmother started living on Shelley Rd East in the late 1950s. Her parents, Don and Rose Slater, have lived on Shelley Rd East since the 1960s, and Cindy was born here in 1966.

We developed the piece of property that we currently live on in the 1980s, when it was originally owned by Don and Rose Slater. We purchased the aforementioned property "DL 811 Block C" from Don and Rose in the early 2000s and raised our children here.

The purpose of our proposal is to subdivide out 2 parcels for our children to build homes on to support the maintenance of the current property. By enabling generational family to be within close proximity to the current farmland it allows for the continued agricultural use of the land, as well as furthering the potential for agricultural growth, integrity and value of the land and surrounding area.

The proposed new parcels are suitable for subdivision as they are currently unused, partially cleared and heavily treed; this renders that area unsuitable to agriculture at present. It has an existing road that separates the proposed parcels from the main body of property. The configuration was chosen in support of keeping the main body of property and its current agricultural use intact, while also furthering the potential for agricultural expansion on the opposite side of the road, where the new parcels would be located.

Sincerely,

Garth & Cindy Sandy