



REGIONAL DISTRICT of Fraser-Fort George

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REPORT FOR CONSIDERATION

TO: Chair and Directors

File No.: ALR 2231

FROM: Daniel Burke, Planner III

DATE: March 2, 2023

SUBJECT: Application for Subdivision in the Agricultural Land Reserve - 67018

SUMMARY: Purpose: Consider Application
Location: 32425 Chief Lake Road – Electoral Area 'A'
Owner: Sarwant Sandhu and Kamalpreet Sandhu
Agent: Ministry of Transportation and Infrastructure (MoTI)

Attachments: Agriculture Land Commission Application 67018

Previous Reports: None

RECOMMENDATION(S):

1. THAT the report, Agricultural Land Commission Application 67018, and all written comments from persons, organizations and authorities, be received.
2. THAT Application 67018 for Subdivision in the Agricultural Land Reserve on The West 1/2 of the North West 1/4 of The North West 1/4 of District Lot 2231 Cariboo District 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

ISSUE(S):

An application for subdivision within the Agricultural Land Reserve (ALR) has been made to rectify the encroachment (trespassing) of Chief Lake Road onto the owners' property.

The Board is being asked to consider authorizing the application to proceed to the Agricultural Land Commission (ALC).

RELEVANT POLICIES:

1. *Agricultural Land Commission Act:*
 - sets the legislative framework for the establishment and administration of the Agricultural Land Commission and reserve
 - the ALC must consider all applications in the context of Section 6 of the Act, which focuses on the preservation and enhancement of agricultural land
 - Sections 25(3) and 34(5) enable local governments to deny authorization for an application to proceed to the ALC for a decision
2. Agricultural Land Reserve General Regulation and Agricultural Land Reserve Use Regulation:
 - subsidiary legislation that details permitted uses and application processes within the ALR
3. Salmon River-Lakes Official Community Plan Bylaw No. 1587:
 - **the proposed use is consistent with the OCP**
 - the subject property is designated Rural Holding (RH)
 - Section 3.10.2 - generally supports upgrading the local road network

4. Zoning Bylaw No. 2892:
 - the subject property is zoned Rural 3 (Ru3)
 - a zoning amendment will not be required
 - public road is not subject to zoning bylaw regulations
5. Agricultural Land Reserve Applications Policy No. RD-15-19
 - provides the framework for processing ALR applications
 - a public input stage is undertaken for an ALR application that will not require subsequent OCP, zoning or temporary use permit applications

STRATEGIC ALIGNMENT:

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

SERVICE RELEVANCE:

Regional District Land Use 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):

Pursuant to the Regional District's Policy RD-15-19 Agricultural Land Reserve Application, notice to neighbouring landowners is required when the proposal does not require a subsequent land use application to the Regional District. Notice of the proposed non-farm use within the ALR was mailed to applicable landowners requesting comments by 12:00pm on March 22, 2023. No comments have been received as of the date of this report. Any additional correspondence received will be forwarded to Board as additional agenda items.

DECISION OPTIONS:

1. Approve recommendations:
 - the application will proceed to the ALC for a decision
2. Additional resolution:
 - 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

Other Options:

- a. Deny authorization for the application to proceed to the ALC:
 - the application will not be forwarded to the ALC
- b. Postpone consideration pending receipt of further information:
 - the application will return for consideration when information is available

COMMENTS:

The purpose of the application is to rectify the trespassing of Chief Lake Road onto the owner's property by the Ministry of Transportation and Infrastructure (MoTI). MoTI is proposing to subdivide a 0.30 ha portion of the subject property to encompass the existing road. As described in the application, the landowner approached MoTI to complete the tenure clean-up exercise for Chief Lake Road. The road has been constructed for over 70 years. MoTI notes without proper road tenure (dedication), the Ministry can struggle to complete required maintenance and upgrades.

The subject property is zoned Rural 3 (Ru3) by Zoning Bylaw No. 2892 and designated Rural Holding (RH) by the Salmon River-Lakes OCP. Public roads are the jurisdiction of the MoTI. Agency referral comments received by the Regional District are available for review in the backgrounder of the report.

Policy RD-15-19 sets out three (3) options for consideration of this application:

- Approve the application to proceed to the ALC for a final decision:
 - an additional resolution is required to forward the application with comments from the Regional District for the ALC's consideration
- Deny the application to proceed to the ALC for final decision.
- Postpone consideration if further information is requested.

Respectfully submitted,

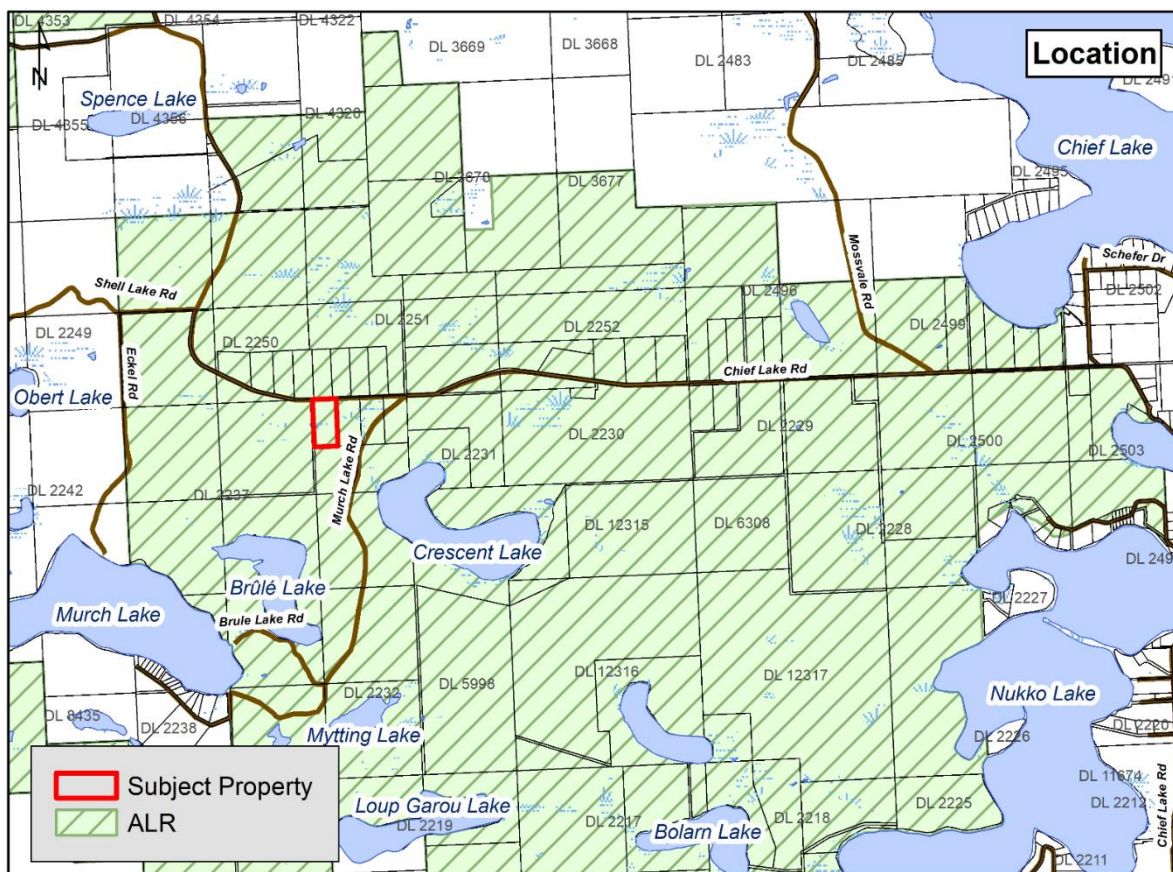
“Daniel Burke”

Daniel Burke
Planner III

DB:cc

BACKGROUNDER

Owner: Sarwant Sandhu and Kamalpreet Sandhu
 Agent: Ministry of Transportation and Infrastructure (MoTI)
 Location: 32425 Chief Lake Road – Electoral Area 'A'
 Legal Description: The West 1/2 of the North West 1/4 of the North West 1/4 of District Lot 2231 Cariboo District – 8.06 ha (19.93 acres)



Proposal: An application for subdivision within the Agricultural Land Reserve (ALR) has been made to permit a road dedication for a 0.30 ha portion of Chief Lake Road that was constructed on private property.

Agricultural Land Reserve: The subject land is entirely within the ALR. A 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)

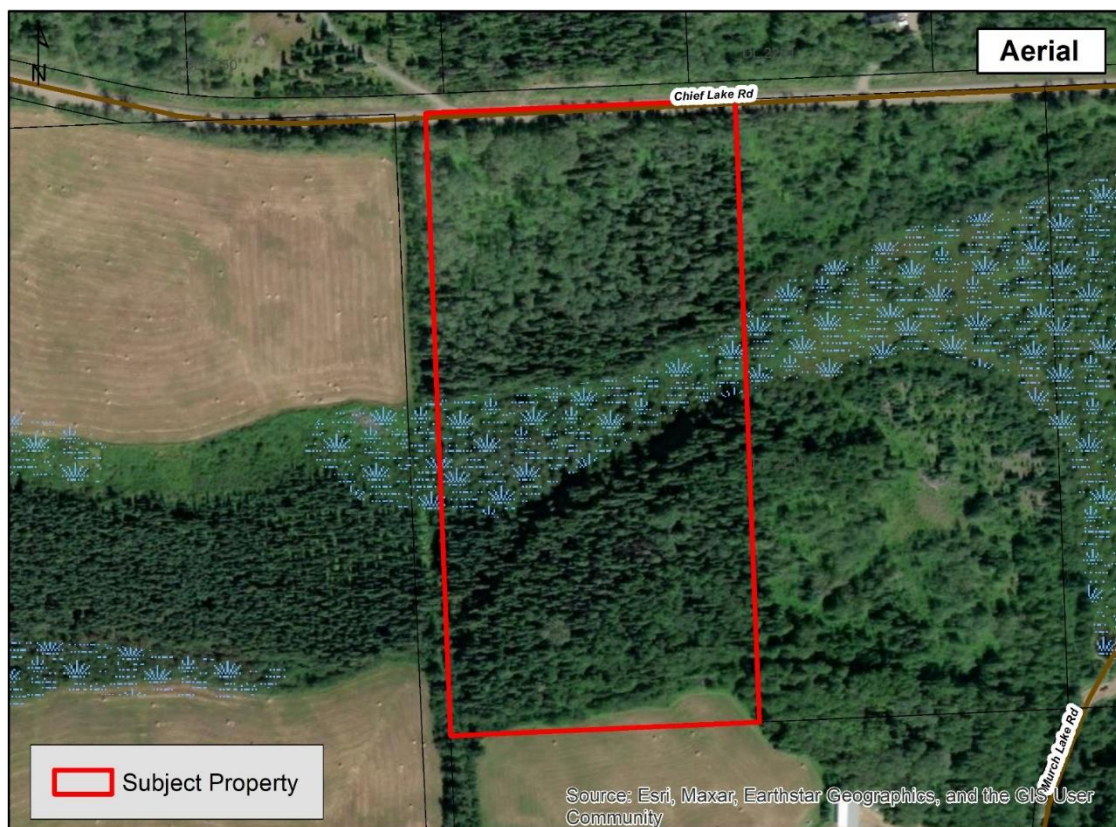
If the Board approves the application to proceed it will be forwarded to the ALC for a decision pursuant to the purposes of the Commission as set out in the *Agricultural Land Commission Act*:

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

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

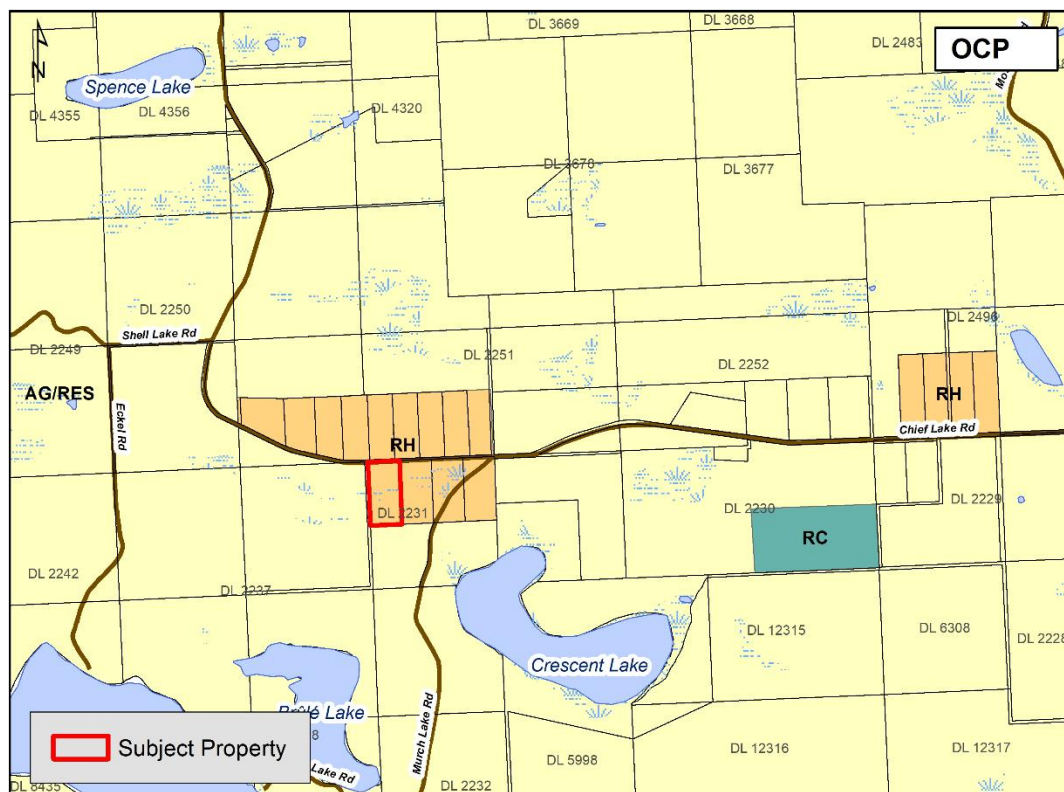
(2) *The commission, to fulfill its purposes under subsection (1), must give priority to protecting and enhancing the following in exercising its powers and performing its duties under this Act:*

- 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.

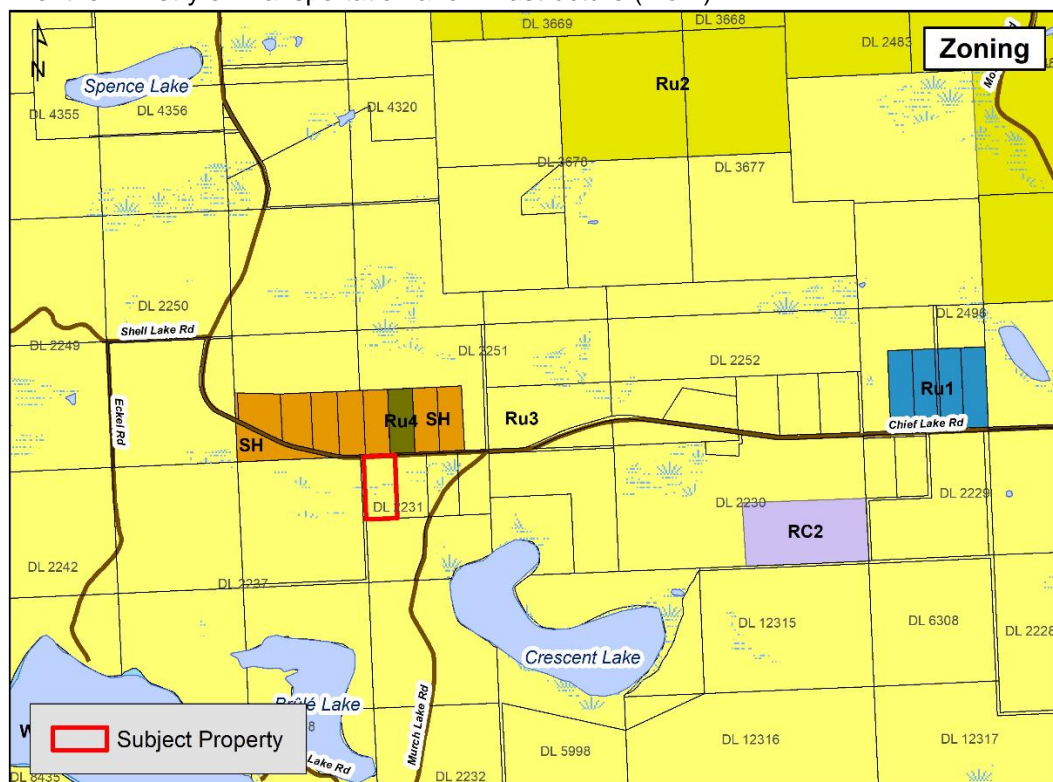


Official
Community
Plan:

The subject land is designated Rural Holdings (RH) by the Salmon River - Lakes Official Community Plan (OCP) Bylaw No. 1587. As per section 3.10.2 of the OCP, the Board generally supports upgrading of the local road network.



Zoning: The subject land is zoned Rural 3 (Ru3) by Zoning Bylaw No. 2892. Roads fall under the jurisdiction of the Ministry of Transportation and Infrastructure (MoTI).



Fire Protection: The subject land is not within a volunteer fire department protection area.

Future RDFFG Applications: No future RDFFG applications are required if the Agricultural Land Commission (ALC) approves the subdivision for road purposes.

Referral Comments: **RDFFG – Building Inspections**
No concerns.

*Dana Ferguson, Senior Building Inspector
Regional District of Fraser-Fort George*

Ministry of Agriculture and Food

Thank you for the opportunity to provide comment on this referral. Ministry staff have reviewed the referral package.

*Karen Tabe,
Regional Agrologist*

Telus

I have reviewed the attached files and determined that TELUS has, very specifically, no objection to this application for subdivision within the Agricultural Land Reserve (ALR) - which has been made to permit a road dedication for a 0.301 ha portion of Chief Lake Road that was constructed on private property.

*Wayne Hornak A.Sc.T.
TELUS – Outside Plant Engineering*

Northern Health

Thank you for the opportunity to provide comment on this ALR application for subdivision. Northern Health has reviewed the proposed application. Please consider the following comments.

Northern Health's subdivision process is for the purpose of avoiding the creation of lots that cannot support the installation of established and proven sewage disposal systems. All new lots should be suitable for their intended use without having to be serviced by costly, high risk, high maintenance or experimental sewage systems. As a result, the construction and maintenance of an onsite sewage disposal system must be conducted in accordance with the Sewerage System Regulation under the Public Health Act. An assessment by an authorized person, as defined in the Sewerage System Regulation, is required to ensure the suitability of the land parcels to support an onsite sewage disposal system. In addition, horizontal setback distances, as prescribed in the Sewerage System Standard Practice Manual Version 3, must be met. This would include setback distances from any existing sewage dispersal field located on the property. Please note that any existing onsite sewage disposal system must be maintained to the standards of the Sewerage System Regulation. In addition, a Record of Sewerage and a Letter of Certification for new and existing onsite sewage disposal systems must be filed with Northern Health.

Northern Health is also concerned with the protection of drinking water sources with regards to subdivisions. Each subdivision lot should have an adequate supply of potable water. This may be achieved by having an individual domestic water supply for each lot or by extension of an existing water supply system. If a domestic water supply system serves only one single-family residence, it is subject to the Sanitary Regulation which requires wells to be located at least 100 ft. from any probable source of contamination, including a sewage disposal system. A water supply system that serves more than one single-family residence must meet the requirements of the Drinking Water Protection Act and the Drinking Water Protection Regulation. Prior to extending, constructing or installing a water supply system, a construction permit from Northern Health must be obtained.

*Kelsey Kovacevich
Environmental Health Officer, CPHI(C)*

Ministry of Transportation and Infrastructure

The Ministry of Transportation has no concerns from a District perspective. The properties group with the Ministry of Transportation is currently working with the property owners for this application.

*Sydney Mellett
A/Development Officer
Fort George District*

BC Hydro

BC Hydro has no objections as our works are not affected.

*Kristi Morin
Property Coordinator, Property Rights Services*