STAFF REPORT

RE: Agricultural Land Commission Subdivision Referral - Culligan

Date: January 7, 2019

File #: E-488s-02955.000

E-775s-04096.010

To: Chair Russell and members of the Board of Directors

From: Ken Gobeil, Senior Planner

ISSUE INTRODUCTION

The RDKB has received a referral from the Agricultural Land Commission (ALC) regarding a subdivision application in Electoral Area 'E'/West Boundary (see Site Location Map; Subject Property Map; Applicant Submission).

<table>
<thead>
<tr>
<th>Property Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Owner(s):</strong> 1. Pat Lawrence Contracting Ltd. 2. Ryan Culligan, Erin Culligan</td>
</tr>
<tr>
<td><strong>Agent</strong> Brad Elenko (McElhanney Consulting Services Ltd.)</td>
</tr>
<tr>
<td><strong>Location:</strong> 1. Sidney Meadows Road 2. 6629 Sidney Mountain Road, Bridesville, BC</td>
</tr>
<tr>
<td><strong>Electoral Area:</strong> Electoral Area 'E' / West Boundary</td>
</tr>
<tr>
<td><strong>Legal Description(s):</strong> 1. DL 488s, SDYD 2. SL 1, DL 775s and 3501, SDYD Plan KAS3892</td>
</tr>
<tr>
<td><strong>Area:</strong> 1. 84.9 hectares (210 acres) 2. 111.99 hectares (276.74 acres)</td>
</tr>
<tr>
<td><strong>Current Use(s):</strong> Agriculture</td>
</tr>
<tr>
<td><strong>Land Use Bylaws</strong> Multiple - Ranging from 4ATP-6T</td>
</tr>
<tr>
<td><strong>ALR:</strong> Entirely within</td>
</tr>
<tr>
<td><strong>Waterfront / Floodplain</strong> NA</td>
</tr>
</tbody>
</table>

HISTORY / BACKGROUND INFORMATION

In 2010 District Lot (DL) 488s was included with 2 other properties in an application for exclusion from the Agricultural Land Reserve (ALR) with the intent of creating a subdivision of 20 to 30 lots approximately 1 to 5 hectares. This proposed subdivision was as an extension of the Regal Ridge subdivisions outside Osoyoos in the Regional
District of Okanagan Similkameen. The application for removal was not approved. The property is currently used for grazing cattle.

There are six different soil capability areas on both properties. Topography, aridity and stoniness are the common characteristics for all areas. With irrigation the capability will change to mostly class 3 and 4 soils.

Sidley Meadows Road runs through DL 488s. However, it is not a public road allowance and has been removed from our mapping.

SL 1, DL 775s and 3501 is part of a bare land strata with another lot. The common parcel provides access to Sidley Mountain Road.

**PROPOSAL**

The applicants have proposed 2 options for subdivision. The purpose of the subdivision is to separate the yard-site for 6629 Sidley Mountain Road from its parcel and connect the remainder parcel with DL 488s.

The owner of DL 488s would like to use the land in SL 1 to expand their cattle grazing area. The proposed connection of DL488s will also provide road access. The owner of DL 488s has indicated that there is a dispute with a neighbouring property owner regarding the use and ownership of Sidley Meadows Road.

This proposed subdivision will also provide the current owners of SL 1 a smaller parcel that will be easier manage during retirement.

**IMPLICATIONS**

There are no land use bylaws within this portion of Electoral Area ‘E’/West Boundary and, as such, no policies or documents can be referenced regarding the proposed land use or parcel size. Parkland dedication is not required for this subdivision.

The parcel The Interior Health Authority recommends a 1-hectare minimum parcel size for new parcels created by subdivision that are not connected to a community water system. Both proposed parcels are well over 1 hectare.

The ALC legislation and policies support subdivisions that promote farming.

If this subdivision application is approved by the ALC, the owners will then have to apply to the Ministry of Transportation and Infrastructure for subdivision.

**Future Bylaws**

The subject properties are within the administrative boundaries of the draft Bridesville Rural Landuse Bylaw. Since the application is a parcel line adjustment (no additional parcels would be created), it is compliant with the current draft of the bylaw.

**ADVISORY PLANNING COMMISSION (APC)**

The APC conditionally supported the subdivision during their January 7, 2019 meeting. The conditions include:
• That there be consultation with owner of lot 2
• That the covenant restricting future subdivision remain in place
• That there be a recommendation to the ALC to go with the option that creates the larger lot for Culligans

Brad Elenko, agent for the applicants, also attended the meeting to answer any questions and address any concerns that the APC had.

PLANNING AND DEVELOPMENT COMMENTS

The RDKB has no authority to implement any of the recommendations of the APC. Without land-use bylaws in effect, there is no guiding document to reference any comment to the ALC for consideration.

RECOMMENDATION

That the Regional District of Kootenay Boundary Board of Directors direct staff to forward, without recommendation, the application to the Agricultural Land Commission for a proposed subdivision submitted by Brad Elenko of McElhanney Consulting Services Ltd. on behalf of Pat Lawrence Contracting Ltd. and Ryan Culligan, Erin Culligan for the properties legally described as SL 1, DL 775s and 3501, SDYD Plan KAS3892 and DL 488s, SDYD, Electoral Area ‘E’/West Boundary.

ATTACHMENTS

Site Location Map
Subject Property Map
Applicants’ Submission
Subject Property Map

District Lot 488S
District Lot 775s
Similkameen Div of Yale Land District

Subject Property
DL 775s

Subject Property
DL 488s
Supplementary Information

TO
COMPANY
FROM
MCELHANNEY BRANCH
RE
DATE
Brad Elenko
Agricultural Land Commission
Lot Line Adjustment Subdivision
November 20, 2018

The purpose of this submission is to provide supplementary information to support a lot line (subdivision) application that is being submitted for two properties located in the Sidley Mountain area north of Bridesville.

What is the Purpose of the Proposal?

The purpose of the proposed lot line adjustment is to create a larger farm parcel for a large ranch operation. The lot line adjustment will increase the size of one parcel to between 175 and 190 ha. with the other parcel being reduced in size to between 8 and 24 ha. At present the two lots are 85 and 112 ha. in area, with one property owner (cattle rancher) requiring more land and the other property owner (who is more involved with horse related activities) requiring less land.

Rather than provide one proposal for the ALC to consider, the two owners wanted to provide two options that provide different parcel sizes to allow the ALC to decide which option they feel would be best for agriculture.

Presently, the combined area of the two parcels is agriculturally underutilized. Under either of the proposed lot line adjustment options, the combined area of the land would realize a much higher level of agricultural utilization than present and in doing so, would not compromise the future agricultural use or potential of the smaller parcel as there will always be a demand for an 8 to 24 ha. sized farm parcel for agricultural operations that are not land intensive.

Why do you believe this parcel is suitable for subdivision?

Although technically a lot line adjustment is considered a subdivision, the proposal is not a subdivision as no new parcels are proposed to be created. The proposal is to adjust the location of the lot line between the two parcels to create one larger farm parcel and one smaller farm parcel. The parcels have historically been cleared for cattle grazing, and there is an opportunity for a large rancher to utilize the cleared land to expand his land base and the size of his farm operation.

Does the proposal support agriculture in the short or long term?

The proposal supports agriculture in both the short and long term. In the short term, there will be better utilization of the agricultural land, and in the long term there will be a very large agricultural parcel that cannot be reduced in size in the future without the permission of the Land Commission.
Describe any Economic Values you believe are applicable to the Application as it applies to sections 4.3 of the ALC Act.

The large-scale ranching operation to occur on the proposed lot to be increased in size will result in employment opportunities on the ranch, and the expansion of the ranch operation will result in economic spin-offs in the region as there will be an increase in the purchase of support goods and services in the area to support the ranch.

Describe any cultural and social values you believe are applicable to the application as it applies to s.4.3 of the ALC Act.

This area has a long history of ranching and the expansion of the cattle ranch will strengthen the cultural and social importance of ranching in the area and will be long lasting testament to the history of the area.

Describe any regional and community planning objectives you believe are applicable to the application as it applies to s.4.3 of the ALC Act.

The subject properties are within Area ‘E’ of the Regional District of Kootenay Boundary but there is no Official Community Plan or Zoning Bylaw for this area, and therefore no OCP based policies. The Regional District of Kootenay Boundary has prepared the “Boundary Area Agriculture Plan”, and a review of this plan reveals that the proposed lot line adjustment is consistent with the plan and is not contrary to any of the Goals, Strategies & Recommended Actions in the Plan.
**Legal Description:** District Lot 488S Similkameen Division Yale District  
**Parcel Area:** 84.9 ha  
**Civic Address:** North of Highway 3, Sidney Meadows Road  
**Date of Purchase:** 05/14/2018  
**Farm Classification:** Yes  

**Owners**  
1. **Name:** Pat Lawrence Contracting Ltd.  
   **Address:**  
   4536 Highway 3  
   Keremeos, BC  
   V0X 1N1  
   Canada  
   **Phone:** [redacted]  

---

**Current Use of Parcels Under Application**

1. **Quantify and describe in detail all agriculture that currently takes place on the parcel(s).**  
   *Presently land on DL 488S is used for cattle grazing. Strata Lot 1 is used on occasion for cattle grazing but is presently underutilized.*  

2. **Quantify and describe in detail all agricultural improvements made to the parcel(s).**  
   *Some land clearing has occurred to provide more area for grazing.*  

3. **Quantify and describe all non-agricultural uses that currently take place on the parcel(s).**  
   *There are no non-agricultural uses occurring on the property.*  

**Adjacent Land Uses**

**North**

**Land Use Type:** Agricultural/Farm  
**Specify Activity:** crown land - forest grazing

**East**

**Land Use Type:** Agricultural/Farm  
**Specify Activity:** partially cleared land for grazing

**South**

**Land Use Type:** Agricultural/Farm  
**Specify Activity:** partially cleared land for grazing

**West**

**Land Use Type:** Agricultural/Farm  
**Specify Activity:** partially cleared land for grazing

**Proposal**

1. **Enter the total number of lots proposed for your property.**

   **Applicant:** Ryan Culligan
25 ha
177.9 ha

2. What is the purpose of the proposal?
See attached Supplementary Information

3. Why do you believe this parcel is suitable for subdivision?
See attached Supplementary Information

4. Does the proposal support agriculture in the short or long term? Please explain.
See attached Supplementary Information

5. Are you applying for subdivision pursuant to the ALC Homesite Severance Policy? If yes, please submit proof of property ownership prior to December 21, 1972 and proof of continued occupancy in the "Upload Attachments" section.
No

6. Describe any economic values you believe are applicable to the application as it applies to s.4.3 of the ALC Act.
See attached Supplementary Information

7. Describe any cultural values you believe are applicable to the application as it applies to s.4.3 of the ALC Act.
See attached Supplementary Information

8. Describe any social values you believe are applicable to the application as it applies to s.4.3 of the ALC Act.
See attached Supplementary Information

9. Describe any regional and community planning objectives you believe are applicable to the application as it applies to s.4.3 of the ALC Act.
See attached Supplementary Information

Applicant Attachments

- Agent Agreement - McElhanney Consulting Services Ltd.
- Professional Report - Supplementary Information
- Other correspondence or file information - Agent Agreement - Lawrence
- Proposal Sketch - 58258
- Other correspondence or file information - Proposed Lot Line Adjustment - Option 2
- Certificate of Title - 028-675-649
- Certificate of Title - 014-702-011

ALC Attachments

None.

Decisions

None.

Applicant: Ryan Culligan
Proposed Lot Line Adjustment - Option 1

Relevant Information

- Lot 488S is 85 ha. in area and does not contain a dwelling.
- Strata Lot 1 is 112 ha. in area and contain a dwelling, shop, hay storage barn and horse riding area.
- Lot 488S does not have physical access and legal access is undetermined as the historic access to the property was not via dedicated road and the road and the access has long been removed and assumed by the adjacent property owner.
- Sewage disposal on Strata Lot 1 is by septic system, and water is provided to the existing house from an on-site well.
- Electrical power is provided by Fortis Electric.
- The proposal is to alter the lot lines between the two existing lots to create a larger lot for a large ranch operation and smaller lot for a smaller farm operation.
- Both lots would have legal and physical access via the common strata road.
- Proposed Lot 1 would be approximately 189 ha. while proposed Lot 2 would be approximately 8 ha. in area.
Proposed Lot Line Adjustment - Option 2

Relevant Information

- Lot 488S is 85 ha. in area and does not contain a dwelling.
- Strata Lot 1 is 112 ha. in area and contain a dwelling, shop, hay storage barn and horse riding area.
- Lot 488S does not have physical access and legal access is undetermined as the historic access to the property was not via dedicated road and the road and the access has long been removed and assumed by the adjacent property owner.
- Sewage disposal on Strata Lot 1 is by septic system, and water is provided to the existing house from an on-site well.
- Electrical power is provided by Fortis Electric.
- The proposal is to alter the lot lines between the two existing lots to create a larger lot for a large ranch operation and lot for a medium sized farm operation.
- Both lots would have legal and physical access via the common strata road.
- Proposed Lot 1 would be approximately 173 ha. while proposed Lot 2 would be approximately 24 ha. in area.

Legend

- **Existing Property Lines**
- **Proposed Subdivision Lines**