

BOARD REPORT

TO: Chair and Directors

File No: LC2552D
PL20180000047

SUBJECT: Electoral Area D: Agricultural Land Commission (ALC) Application Section 20 (3) – Non-farm Use (0764577 BC Ltd.)

DESCRIPTION: Report from Jennifer Sham, Planner, dated July 12, 2018
2930 Brown Road, Silver Creek

RECOMMENDATION: THAT: Application LC2552D, Section 20(3) for Non-Farm Use for the South 1/2 of the South West 1/4 of Section 5, Township 19, Range 10, W6M, KDYD, Except Plans B175, B517, 1681, 20363, 23359, 26011 and H839, be forwarded to the Agricultural Land Commission recommending approval this 16th day of August, 2018.

SHORT SUMMARY:

The agent is applying to the ALC for a non-farm use to expand the Valley Mobile Home Park ("Park") located at 2930 Brown Road in Silver Creek in Electoral Area D. If the ALC approves the non-farm use, the property will require a bylaw amendment to the Salmon Valley Land Use Bylaw No. 2500 to allow the increased density in the Park.

VOTING:	Unweighted <input checked="" type="checkbox"/>	LGA Part 14 <input type="checkbox"/>	Weighted <input type="checkbox"/>	Stakeholder <input type="checkbox"/>
	Corporate	(Unweighted)	Corporate	(Weighted)

BACKGROUND:

REGISTERED OWNER(S):
0764577 BC Ltd

APPLICANT/AGENT:
Clarence Vanderlinde

ELECTORAL AREA:
D

LEGAL DESCRIPTION:
The South 1/2 of the South West 1/4 of Section 5 Township 19 Range 10 W6M KDYD Except Plans B175, B517, 1681, 20363, 23359, 26011 and H839

PID:
010-370-544

CIVIC ADDRESS:
2930 Brown Road, Silver Creek

SURROUNDING LAND USE PATTERN:
North = Rural, Agriculture, ALR

South = Brown Road, Rural Residential, ALR
East = Rural, Agriculture, ALR
West = Rural Residential, ALR

CURRENT USE:

Mobile Home Park with 55 existing mobile homes

PROPOSED USE:

Mobile Home Park with 66 mobile homes

PARCEL SIZE:

5.65 ha

DESIGNATION/ZONE:

Salmon Valley Land Use Bylaw No. 2500
MHP Mobile Home Park

PROPOSED DESIGNATION/ZONE:

MHP Mobile Home Park, Site Specific - increased density

AGRICULTURAL LAND RESERVE:

100 %

SOIL CAPABILITY:

According to the Canada Land Inventory mapping, the subject property appears to contain 60% Class 4 soils with moisture deficiency and topography as limiting factors, and 40% Class 5 soils with moisture deficiency and topography as limiting factors. The soils are improvable to 60% Class 3 soils with topography and moisture deficiency as limiting factors, and 40% Class 4 soils with topography and moisture deficiency as limiting factors.

See "Maps_Plans_LC25552D.pdf" attached.

HISTORY:

- 1008 (1975) refused exclusion, but Mobile Home Park approved for 23 trailers
- 1080 (1975) refused 5 lot subdivision because residential intrusion could "jeopardize agricultural development"
- 1088 (1975) allowed 2 lot subdivision
- 1138 (1975) refused 2 lot subdivision because of residential intrusion into the ALR. (1976) reconsideration – no change
- 1189 (1976) refused 3 lot subdivision, but no objection to bridge construction
- 1251 (1976) refused 2 lot subdivision because there is some capability for agricultural use
- 1343 (1977) expansion of the Mobile Home Park refused because of intrusion into the ALR. (1977) reconsideration – no change
- 1393 (1977) approved a 3 lot boundary line adjustment
- 1801 (1982) refused subdivision because land has sufficient capability for agriculture to support a fairly wide range of crops
- 1888 (1983) refused exclusion because the "Commission is reluctant to create an isolated exclusion in the area," but allowed 16 additional pads (to the 23 pads approved in 1975)

- 2014 (1987) refused 2 lot subdivision due to agricultural potential and "should continue to be available for this purpose"
- 2060 (1990) allowed a non-farm use of minor maintenance in a new building for vintage car repairs (cars owned by the property owner only)
- 2330 (2006) allowed 2 lot subdivision
- 2406 (2009) allowed 2 lot subdivision
- LC2542D (2018) refused expansion of the Valley Mobile Home Park onto this property because the property is capable of supporting agriculture and the proposal will negatively impact the agricultural utility of the property by utilizing capable agricultural land for residential uses.

See "Maps_Plans_LC25552D.pdf" attached.

SITE COMMENTS:

Development Services (DS) staff visited the subject property on October 12, 2017 while in the area for another application. The subject property is relatively flat with an established mobile home park. The properties to the east of the subject property appear to be used for agriculture (cow/calf operation) and have farm status according to BC Assessment information. The owner of the Valley Mobile Home Park also owns the property to the north; this property is relatively flat with a marshy area in the centre of the property; there are a few accessory buildings on this property.

ALC APPLICATION INFORMATION (completed by applicant/agent):

"Proposal

This parcel of 5.6 hectares has never seen any farming activity since the early 1970s. It has operated as a MHP the entire length of time since ALR was introduced in BC. Our plan is to get approval from the ALC to expand the number of mobile homes to 64. To allow room for these additional lots the Quonset house, plus garage will be removed from the site. This proposal will allow to fill the demand for AFFORDABLE HOMES that is so needed in Salmon Arm and throughout B.C.

Current agriculture that takes place on the parcel:

Not applicable to this application

Agricultural improvements made to the parcel:

Not applicable to this application

Non-agricultural uses that are currently taking place on the parcel:

This parcel of land is operating as a mobile home park, a place where many seniors call it their home 365 days of the year. Currently there are 55 mobile homes on large lots, and a[n] older Quonset House and standalone two bay garage.

Could this proposal be accommodated on lands outside the ALR?

No, because of restrictive zoning.

As zoning has become more restrictive, it is more difficult to build new manufactured home communities, in areas with good schools, hospitals, jobs, social programs, churches etc. These zoning restrictions impede the use of manufactured homes communities as an affordable housing tool in urban and suburban areas, and this may explain why a disproportionate amount of manufactured housing is in rural and unincorporated areas. This application is to utilize available remaining land that is already zoned ALR/MHP.

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

The only way it can support agriculture is in the usage of the large lots by planting their lovely herb, flower, fruit or vegetable gardens. Often the harvest bounty over flows, with the extra being donated within the community. Homes could also be purchased by fruit growers or processors to accommodate the workers and their families, eg. the export cherry processing plant 1 km away from the MHP."

POLICY:**Salmon Valley Land Use Bylaw No. 2500 (Bylaw No. 2500)**

Policies

1.9.2.5 Mobile Home Parks are designated as MHP (Mobile Home Park) on Schedule A, the OCP Designation Maps

Land Use Regulations

2.2.5 Agricultural Land Reserve (ALR)

In addition to the regulations established in this Bylaw, all lands within the Agricultural Land Reserve are also subject to the provisions of the Agricultural Land Commission (ALC) Act, regulations and orders of the ALC (thereby not permitting the subdivision of land or the development of non-farm uses unless approved by the ALC).

2.9 MHP Mobile Home Park

Permitted Uses: mobile home park, single family dwelling for mobile home park manager, home occupation, accessory use.

Minimum parcel size: 2 ha

Maximum density: 10 mobile homes per hectare

Agricultural Land Commission

Rules for use and subdivision of agricultural land reserve

Section 18

Unless permitted by this Act, the regulations or the terms imposed in an order of the commission,

(a) a local government, a first nation government or an authority, or a board or other agency established by a local government, a first nation government or an authority, or a person or agency that enters into an agreement under the Local Services Act may not

(i) permit non-farm use of agricultural land or permit a building to be erected on the land except for farm use, or

(ii) approve more than one residence on a parcel of land unless the additional residences are necessary for farm use, and

(b) an approving officer under the Land Title Act, the Local Government Act or the Strata Property Act or a person who exercises the powers of an approving officer under any other Act may not approve a subdivision of agricultural land.

Section 20 (1)

A person must not use agricultural land for a non-farm use unless permitted by this Act, the regulations or an order of the commission.

FINANCIAL:

There are no financial implications to the CSRD with regard to this application.

KEY ISSUES/CONCEPTS:

According to the owner, the existing mobile home park has been in continuous operation since the 1970s. According to the history of applications on the subject property, the ALC approved expansion applications for additional units in the Park in the 70s and 80s; however, the current number of existing mobile homes exceeds the approved number of units and a non-farm use application to the ALC is required for the owner to seek ALC approval for the existing additional units and the proposed additional units. .

Regarding Bylaw No. 2500, the maximum number of mobile homes permitted on the subject property is 56 (10 mobile homes per hectares permitted and the property is 5.65 ha in size) and the current number of mobile homes in the park is 55. The proposal is to increase the number of mobile homes by 11 (Phase 3), bringing the total number of mobile homes in the Park to 66 and not 64 as noted in the application. If the ALC allows Phase 3, a site specific bylaw amendment application will be required to allow the increased density.

Servicing

The Valley MHP is authorized to discharge effluent to ground under by the Environmental Management Act (Permit #11371, Ministry of Environment). If the ALC approves this application, an amendment to the permit may be required after a successful bylaw amendment to allow the additional units

Water to the MHP is supplied by the Valley Mobile Park Water System (Interior Health Authority approved private community water system).

Access

According to the site plan, the mobile home park users will continue to enter the Park from Brown Road.

SUMMARY:

The agent is applying to expand the Park in Silver Creek by 11 mobile homes on the subject property. Staff is recommending approval of this non-farm use in the ALR for the following reasons:

- The subject property is designated and zoned MHP in Bylaw No. 2500 and the current density of 55 mobile homes complies with Bylaw No. 2500;
- There is no proposed change in use from the existing mobile home park use and no increased area; and,
- the expansion of 11 additional mobile homes should not negatively affect the neighbourhood, including the current agricultural activity in the area because the additional units will be located interior to the mobile home park and not adjacent to parcels in the ALR.

Staff note that if the ALC approves this non-farm use application, the bylaw amendment review process includes a public hearing where the public is invited to comment on the proposed expansion.

IMPLEMENTATION:

CSRD staff will forward the application, together with the resolution from the Board, and this staff report to the ALC for consideration. If the ALC approves the non-farm use, a successful bylaw amendment to the Salmon Valley Land Use Bylaw No. 2500 is required prior to expanding the mobile home park.

DESIRED OUTCOMES:

That the Board endorse staff recommendation.

BOARD'S OPTIONS:

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

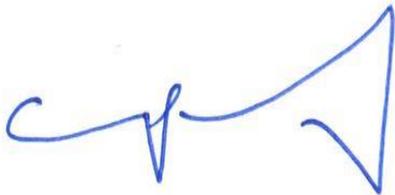
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Salmon Valley Land Use Bylaw No. 2500
2. Agricultural Land Commission Act and Regulations

Report Approval Details

Document Title:	2018-08-16_Board_DS_LC2552D_0764577BCLTD.docx
Attachments:	- Maps_Plans_LC2552D.pdf
Final Approval Date:	Jul 27, 2018

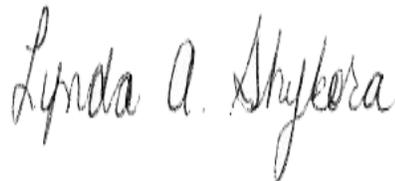
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Jul 18, 2018 - 8:05 AM



Gerald Christie - Jul 26, 2018 - 11:02 AM



Lynda Shykora - Jul 27, 2018 - 10:50 AM



Charles Hamilton - Jul 27, 2018 - 11:10 AM