



Agricultural Land Commission

201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
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www.alc.gov.bc.ca

June 5, 2018

Reply to the attention of Celeste Barlow
ALC Inquiry: 51067
Local Government File: 725-12

Dan Passmore
Senior Planner, Development Services
Columbia Shuswap Regional District (CSRD)

Delivered Electronically

Re: OCP Amendment Bylaw No. 725-12

Properties: PID: 023-187-468 (“Property 1”) and PID: 002-999-838 (“Property 2”)

Thank you for forwarding a draft copy of OCP Amendment Bylaw No. 725-12 (the “Bylaw”) for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the Bylaw is consistent with the purposes of the Agricultural Land Commission Act (ALCA), the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the “Regulation”), and any decisions of the ALC.

The ALC recognizes that Property 1 is outside of the Agricultural Land Reserve (ALR), that a portion of Property 2 is within the ALR, and that the Bylaw is specific to re-designating Property 1 and the non-ALR portion of Property 2 to accommodate a proposed expansion of the existing manufactured home community (Shuswap Country Estates).

There is an existing wastewater treatment facility located on the ALR portion of Property 2 (to the North and to the East of Tappen Notch Hill Road) that was previously approved by the ALC Resolutions #765/95 and #646/96 (attached) and is therefore subject to the ALCA and Regulation.

The ALC notes that the Board Report submitted as part of the Bylaw referral documents references the interaction between the ALCA and the Environmental Management Act (EMA). With reference to the analysis under the heading “ALR” on p. 9 of the Board Report, Commission staff do not agree with your interpretation of the ALCA and EMA, and recommend that you obtain legal advice before taking any steps on the basis of that interpretation. Note that CSRD previously applied for and obtained Commission approval, subject to certain conditions, for a wastewater treatment and spray irrigation storage facility on ALR land in accordance with the ALCA. The wastewater treatment facility is neither a farm use nor a permitted non-farm use under the ALCA and the Regulation; as such, this type of facility requires a non-farm use application for any future expansion or relocation.

Although the proposed re-designations affect non-ALR land, the Bylaw documents indicate that the proposed expansion of Shuswap Country Estates community is supported by the existing wastewater treatment facility located in the ALR. According to the Bylaw referral documents and CSRD staff, the number of units associated with the proposed expansion of the Shuswap

County Estates community has not yet been determined and therefore the CSRD is unable to confirm whether or not the existing wastewater treatment facility can accommodate the proposed expansion. The ALC advises the CSRD that any expansion of the existing wastewater treatment facility would require a new non-farm use application to the ALC.

Given the above, the ALC finds that the Bylaw is premature until the details of the proposed expansion of the Shuswap County Estates community are confirmed and a determination can be made as to whether or not a new non-farm use application for wastewater treatment facility expansion is required in order to proceed.

. . .

The ALC strives to provide a detailed response to all bylaw referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft bylaw provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulation, or any orders of the Commission.

If you have any questions about the above comments, please contact the undersigned at 604-660-7046 or by e-mail (Celeste.Barlow@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read 'Celeste', is positioned above the printed name of the signatory.

Celeste Barlow, Land Use Planner

Enclosures:

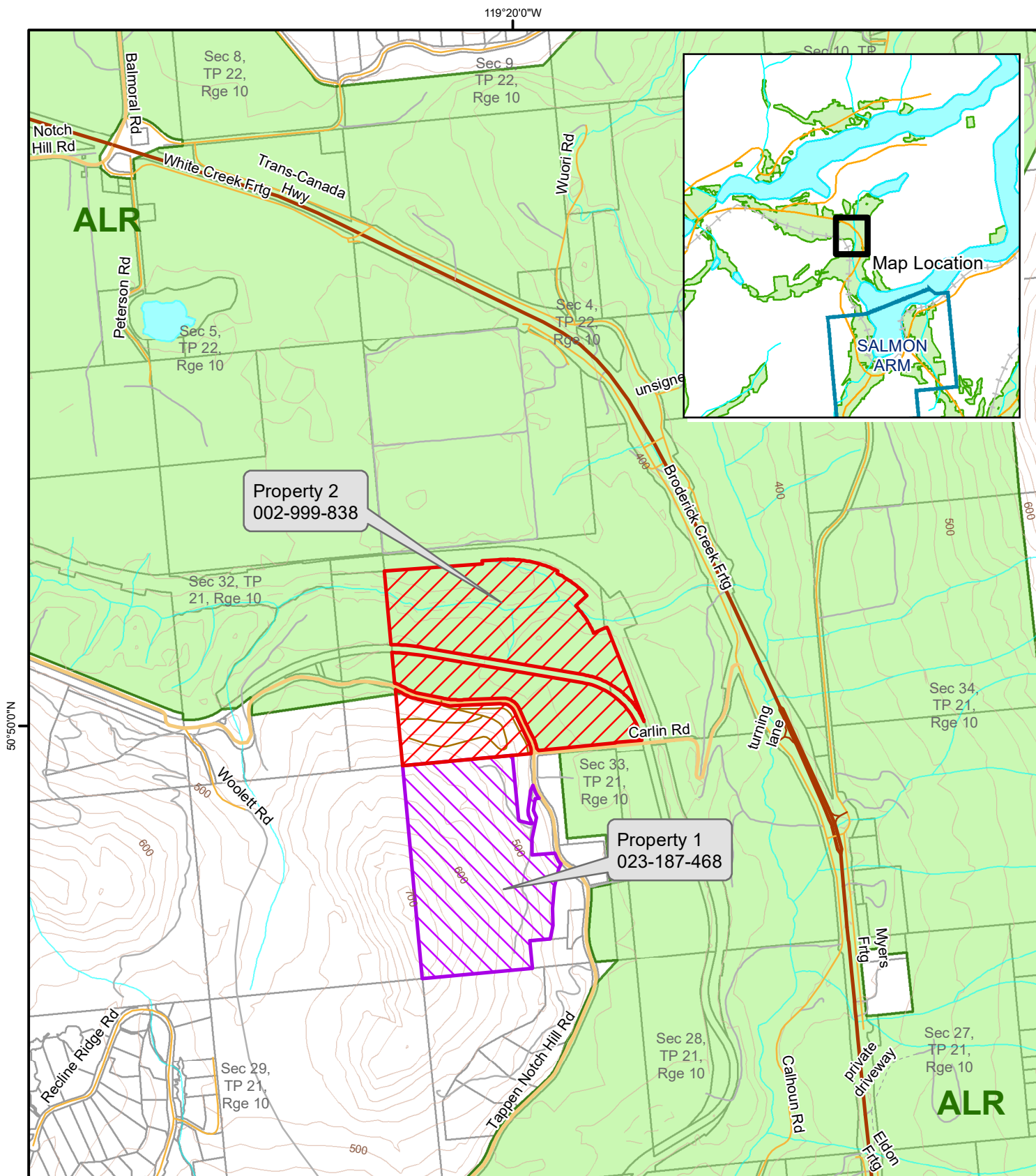
ALC Context Map

ALC Resolutions #765/95 and #646/96

CC:

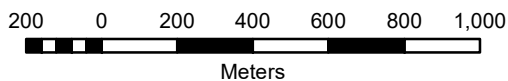
Ministry of Agriculture

51067m1



ALR Context Map

Map Scale: 1:20,000



ALC File #:	51067
Mapsheet #:	82L.084
Map Produced:	May 31, 2018
Regional District:	Columbia-Shuswap

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Meeting held at the Provincial Agricultural Land Commission Office, 4940 Canada Way, Burnaby, B.C.
on the 12th day of September 1995.

PRESENT:	K. B. Miller	Chair
	G. Horn	Commissioner
	C. Huscroft	Commissioner

An application under Section 20(1) of the Agricultural Land Commission Act concerning land described as **Part of Lot 1, NW 1/4, Section 33, Township 21, Range 10, W6M, KDYD, Plan** was considered.

APPLICATION: #25-H-95-29942-0

APPLICANT: Renzo & Carol Schaafsma

AGENT: R. D. Lewis & Associates Ltd.

COMPANY NAME: N/A

PROPERTY LOCATION: Carlin north of Tappen.

LOCAL GOVERNMENT: Columbia Shuswap

SUBJECT PROPERTY SIZE (Ha): 63.0

AREA WITHIN ALR (Ha): 47.3

NUMBER OF PARCELS: 1.0

PROPOSAL: To construct a sewage treatment and spray irrigation storage facility (1.4 ha of ALR land) on the property. The sewage treatment facility is to serve a mobile home park being constructed on the non-ALR portion of the property and the effluent will be used to irrigate the farm fields.

TYPE OF APPLICATION: REGS Section 44

DATE OF PURCHASE: 1994-04-29

DATE APPLICATION RECEIVED: 1995-06-05

PRESENT USE: Dairy/Cow calf operation.

AGRICULTURAL CAPABILITY:

Unimproved Ratings	Improved Ratings	% of Unit
7:2D 3:2X	7:2D 3:2X	55
6T	N/A	45

SURROUNDING LAND USES:

NORTH: Railway with agriculture and forest beyond.

SOUTH: Forest and cultivated fields.

EAST: Rail lines with agriculture beyond.

WEST: Forest and agriculture.

COMMUNITY PLAN DESIGNATION: N/A

ZONING: N/A

LOCAL GOVERNMENT RECOMMENDATION: Concerned over subdivision along the road - feel all parts of the mobile home park should be in same legal parcel. Also concerned about use of ALR land for residential purpose.

BACKGROUND INFORMATION: Commission previously approved a boundary line adjustment which created the subject property. During its review of the Tappen White Lake OSP the Commission received a recommendation that the ALR boundary follow the Tappen/Notch Hill Rd. that runs through the subject property. The applicant wants the facility centrally located to facilitate use of the sewage effluent for farm irrigation purposes.

During its initial review of this application the Commission requested an onsite inspection be conducted by the District Agrologist prior to making its decision.

Comments received from Brian M. Harper, District Agrologist for the Ministry of Ag. Fish and Food dated July 24, 1995 note:

1. The proposed sewage treatment plant and effluent storage facility will positively benefit the applicant's farming operation by providing a source of irrigation water which will greatly enhance crop production on adjacent land.
2. The non-ALR portion of the subject property located South and West of the road possesses no capability for agriculture due to a predominantly rocky/gravelly soil and steep topography.

The non-ALR portion of the subject property located North and East of the road possesses limited capability for agriculture, providing some forage for grazing.

LIST OF RELEVANT APPLICATIONS

Bin	Name	Summary	Decision	Decision Date
06571-0	George & Catherine Denman	Subdivide a 6 acre portion off of the 60 ha subject property and consolidate to an adjacent holding.	Allowed as submitted subject to consolidation.	1978-04-27
06572-0	Joseph & Brigitte Sternberg	Subdivide a 4.5 acre lot from the 160 acre property.	Allowed subject to consolidation.	1978-04-27
06601-0	Dean Trenholm	To stockpile approximately 70, 000 cubic meters of soil on the subject property.	Allowed.	1978-04-27

PLANNERS COMMENT: Based on further discussion with Brian Harper, this is the most agriculturally beneficial place to put this facility, so that the effluent can be used by the farm.

Recommendation: Allow subject to the inclusion of all non-ALR allow subject to inclusion of all non-ALR land north and east of Tappen-Notch Hill Road.

STAFF COMMENT/RECOMMENDATION: That the application be refused as submitted. While the facility will provide irrigation water to the farm portion of the property it will alienate good capability actively managed agricultural land from production. In addition the applicant admits that there are non-ALR lands available for the facility and staff is concerned that in the future the owner may wish to sell the mobile home park. While staff appreciates that the inclusion of a portion of the property has been supported this land appears to have less agricultural utility than the area under application.

DISCUSSION: Inclusion should be required from a buffering perspective to prevent any future development of the lands located north of the Tappen Notch Hill Road. It would also be preferable if the facility could be moved as far into the non-ALR corner as possible to minimize the impact on the ALR. Also discussed was the requirement for additional roads and utilities to service this development which are to be kept out of the ALR wherever possible.

IT WAS

MOVED BY: Commissioner G. Horn
SECONDED BY: Commissioner C. Huscroft

That the application be allowed subject to receipt of an inclusion application for those lands located north and east of the Tappen Notch Hill Road.

This decision is subject to compliance with all other legislation.

CARRIED

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Meeting held at the Provincial Agricultural Land Commission Office 4940 Canada Way, Burnaby, B.C.
on the 25th day of June 1996.

PRESENT:	J. Glover	Vice Chair
	J. Bakker	Commissioner
	G. Horn	Commissioner
	D. Taylor	Commissioner
	M. Thompson	Commissioner

An application under Section 10(5) of the Agricultural Land Commission Act was considered concerning land described as **Part of Lot 1 NW 1/4 Section 33 Township 21 Range 10 W6M Plan 34273.**

APPLICATION: #11-H-95-30401-0

APPLICANT: Renzo & Carol Schaafsma

PROPERTY LOCATION: Carlin - North of Tappen

LOCAL GOVERNMENT: Columbia Shuswap

SUBJECT PROPERTY SIZE (Ha): 3.3 ha

AREA to be included (Ha): 1.4

NUMBER OF PARCELS: 1

PROPOSAL: To include approximately 1.4 ha of land in order to satisfy the Commission's conditional approval issued under Res. #765/95 to locate a sewage treatment and spray irrigation storage facility on the property.

TYPE OF APPLICATION: Inclusion (Land Owner)

DATE APPLICATION RECEIVED: 12/28/95

PRESENT USE: Farmland

SURROUNDING LAND USES:

NORTH: Agricultural
SOUTH: Mobile Home Park
EAST: Agricultural
WEST: Agricultural

COMMUNITY PLAN DESIGNATION: n/a

ZONING: n/a

LOCAL GOVERNMENT RECOMMENDATION: Board recommended approval of the Class 2 lands but not as a condition of approval for the sewage disposal facility.

Planning Dept. comments: After reviewing the application and the general comments and recommendations of the Development Services' staff, the Board wished to go on record as opposing the Land Commissions' approval of these type of sewage disposal systems which serve developments on lands outside of the Agricultural Land Reserve. It was the opinion of the Board that the condition of inclusion did not warrant justification of utilizing Class 2 soils for sewage treatment facilities. While spray irrigation may be considered beneficial for agricultural land, non-agricultural developments should contain all parts of functioning systems within that portion of the land where the development is taking place.

The Board, after considerable discussion, recommended inclusion of the Class 2 soils into the ALR but not as a condition of approval for the sewage disposal facility.

BACKGROUND INFORMATION: Previous application #29942 required the inclusion of the area under application in order to satisfy the conditions of approval issued under Res. #765/95

LIST OF RELEVANT APPLICATIONS

Bin	Name	Summary	Decision	Decision Date
29942-0	Renzo & Carol Schaafsma	To construct a sewage treatment and spray irrigation storage facility on the property. The sewage treatment facility is to serve a mobile home park being constructed on the non-ALR portion of the property.	Allow proposed use of property for sewage treatment and storage for spray irrigation subject to receipt of inclusion application of those non ALR lands located to the north and east of the Tappen Notch Hill Road. This inclusion is to prevent any possible residential development of those non ALR lands north and east of the road.	9/12/95
06571-0	George & Catherine Denman	Subdivide a 6 acre portion off of the 60 ha subject property and consolidate to an adjacent holding.	Allowed as submitted subject to consolidation.	4/27/78
06572-0	Joseph & Brigitte. Sternberg	Subdivide a 4.5 acre lot from the 160 acre property.	Allowed subject to consolidation.	4/27/78
06601-0	Dean Trenholm	To stockpile approximately 70, 000 cubic meters of soil on the subject property.	Allowed.	4/27/78

STAFF COMMENT/RECOMMENDATION: Allow as application is intended to satisfy earlier decision of Commission.

DISCUSSION: Concurred with staff recommendation.

IT WAS

MOVED BY: Commissioner G. Horn

SECONDED BY: Commissioner D. Taylor

That the application be allowed as requested on the grounds that this satisfies the requirements of ALC Resolution #765/95 subject to the land being designated as part of the Agricultural Land Reserve of the Columbia Shuswap Regional District.

CARRIED

Subject Property

GENERAL MGR. DATE
PROVINCIAL AGRICULTURAL LAND COMMISSION

July 30/98
DATE

SEC | 33

TP. 21

(R.10)

W. 6 N.

B-736

33

SEC 33

Columbia Shuswap REGIONAL DISTRICT

APPLICATION #: 11-H-95-30401

SUBJECT PROPERTY:

CONSTITUENT SHEET #: 29
(1:10000)

