



BOARD REPORT

TO: Chair and Directors

SUBJECT: Electoral Area D: Agricultural Land Commission (ALC) Application Section 21 (2) Subdivision LC2610D

DESCRIPTION: Report from Ken Gobeil, Senior Planner, dated September 27, 2024 5672 Lashburn Rd, 6015 Shaw Rd, Ranchero

RECOMMENDATION: THAT: Application No. LC2610 Section 21(2) - Subdivision for the South half of the Northwest Quarter of Section 32 Township 19 Range 9 West of the 6th Meridian Kamloops Division Yale District Excluding (1) Parcel A (2) Plan 29147; and Lot 1 Section 32 Township 19, Range 9 West of the 6th Meridian Kamloops Division Yale District Plan KAP47991 Excluding Plan KAP87174 be forwarded to the Agricultural Land Commission recommending approval, this 17th day of October, 2024.

Corporate Vote Unweighted Majority

SUMMARY:

The Shuswap National Golf Course is located on two properties (5672 Lashburn Rd and 6015 Shaw Rd). 5672 Lashburn Rd contains a single detached dwelling and the driving range for the Shuswap National Golf Course; 6015 Shaw Rd contains the Shuswap National Golf Course and club house. The owners are applying for a boundary adjustment subdivision to so that the driving range and golf course are on one property and the existing single detached dwelling is on a separate property. Both properties are in the Agricultural Land Reserve (ALR) and approval from the Agricultural Land Commission (ALC) is required for the proposed subdivision to proceed.

This subdivision will not create any new lots. 5672 Lashburn Rd (existing dwelling) would be reduced from 7.63 ha to 3.9 ha, and 6015 Shaw Rd (golf course) will be increased from 92.66 ha to 97.38 ha.

This is the owners' second attempt at subdivision. In 2023, the owners applied for a similar boundary adjustment that would have created a 1 ha lot for the single detached dwelling and a 99.92 ha lot for the golf course and driving range. The Board recommended the application be forwarded to the Agricultural Land Commission recommending approval on their April 20, 2023 Board meeting. However, that application was denied by the ALC due to concerns regarding the limited agricultural potential on a 1 ha lot.

BACKGROUND:

ELECTORAL AREA:
D

LEGAL DESCRIPTION:

1. South half of the Northwest Quarter of Section 32 Township 19 Range 9 West of the 6th Meridian Kamloops Division Yale District Excluding (1) Parcel A (2) Plan 29147
2. Lot 1 Section 32 Township 19, Range 9 West of the 6th Meridian Kamloops Division Yale District Plan KAP47991 Excluding Plan KAP87174

PID:

1. PID: 013-970-011
2. PID: 017-896-215

CIVIC ADDRESS:

1. 5672 Lashburn Rd (Residential Lot and Driving Range)
2. 6015 Shaw Rd (Golf Course)

SURROUNDING LAND USE PATTERN:

North = Residential
South = Rural
East = Agriculture
West = Residential/Rural

CURRENT USE:

1. Single Detached Dwelling and Driving Range
2. Club House and Golf Course

PROPOSED USE:

1. Single Detached Dwelling
2. Club House Golf Course and Driving Range

PARCEL SIZE:

1. 7.63 ha
2. 92.66 ha

PROPOSED PARCEL SIZE

1. 3.9 ha
2. 97.38 ha

DESIGNATION:

[Ranchero/Deep Creek Official Community Plan Bylaw No. 750](#)

AG – Agriculture

PROPOSED DESIGNATION:

NA – No changes proposed

ZONING:

[Ranchero/Deep Creek Zoning Bylaw No. 751](#)

GC – Golf Course

PROPOSED ZONING:

NA – No changes proposed

AGRICULTURAL LAND RESERVE (ALR):

1. 100%
2. 60%

SOIL CAPABILITY:

7:5TM – 3:4TM – All of Property No. 1 (6752 Lashburn Rd – Residential Lot) and a majority of Property No. 2 (6015 Shaw Rd – Golf Course)

6:4MW – 4:6W – Northeastern corner of Property No. 2 (includes a large pond)

7 TC – Southwestern corner of Property No. 2 (portions of the property not in the ALR)

The improved agricultural capability ratings for both subject properties are Class 4 and Class 5. Class 4 soils are low to medium in productivity with a narrow range of suitable crops. There are severe limitations to Class 5 soils for sustained production of annual field crops.

Class 6 soils can provide sustained natural grazing for domestic livestock but is not suitable for annual field crops,

Class 7 soils have no capability for arable or sustained natural grazing and are generally not included in the ALR.

The limitations associated with both properties are M (moisture deficiency), and T (topographic limitations). W limitation is for excess water and is common in or around waterbodies (marshes, ponds, marshes, etc).

See "LC2610D_Maps_Plans_Photos.pdf" attached for a copy of the soil capability map and orthophotos of both subject properties.

HISTORY: SUBJECT PROPERTIES

See "LC2610D_Maps_Plans_Photos.pdf" attached.

6015 Shaw Rd – LC2296 (2003) and LC2328 (2005)

The owner of 6015 Shaw Rd applied to use the property as a golf course and club house. The ALC approved the application in 2004 on the condition that 6015 Shaw Rd and 5672 Lashburn Rd are consolidated into one property.

In 2005, the ALC revised their decision and confirmed that the golf course and club house could be developed on 6015 Shaw Rd without consolidating the two properties.

5672 Lashburn Rd – LC2327 (2005)

The owners applied to utilize approximately 3.4 ha of the property as a driving range for the golf course. This application was approved under the condition that the driving range and golf course related activity be restricted to the 3.4 ha portion of the property.

5672 Lashburn Rd and 6015 Shaw Rd – LC2596D (2023)

The owners of the subject properties applied for a boundary adjustment subdivision to consolidate the driving range onto the same property as the rest of the golf course and separate the single detached dwelling onto a separate parcel. The proposed subdivision was denied by the ALC. This application is reviewed in more detail in the "Key Issues/Concepts" section of this report.

HISTORY: NEARBY PROPERTIES

See "LC2596D_Maps_Plans_Photos.pdf" attached.

5880 Hwy 97B – H-38011 (2008)

The owners of 7775 and 7665 Cambie Rd applied to subdivide a portion of their property to create one new parcel for one of their children (5880 Hwy 97B). This subdivision was approved as a homesite severance subdivision.

6024 Hwy 97B – LC2521 (2016)

A second residence on 6024 Hwy 97B was approved for the owner's parents with several conditions, including a restrictive covenant in favour of the ALC, and the CSRD that names the specific people permitted to occupy the dwelling; that the house be removed when the house is no longer occupied with these specific people; and the owners provide a \$10,000 irrevocable letter of credit to the ALC.

7775 and 7665 Cambie Rd – LC2585 (2021)

The owners of 7775 and 7665 Cambie applied for another subdivision in 2021 to separate 7775 Cambie Rd and 7665 Cambie Rd onto two separate parcels. The owners applied to subdivide as a homesite severance. However, this subdivision did not qualify as a homesite severance and was denied by the ALC.

SITE COMMENTS:

Both subject properties have the same owner. Both properties are in the Agricultural Land Reserve, however, they are not used for agricultural purposes.

Property No. 1 (5672 Lashburn Rd) is a treed property with a single detached dwelling and accessory building on the northwestern corner of the property. and a driving range on the south eastern side of the property. The property has gentle slopes and is assessed as residential by BC Assessment.

Property No. 2 (6015 Shaw Rd) contains the Shuswap National Golf Course, club house, and service buildings. The southwestern portion of the property is heavily treed and not used as part of the golf course. This property is assessed as a golf course by BC Assessment.

BYLAW ENFORCEMENT:

There is no bylaw enforcement related to this file.

POLICY:

For relevant excerpts from the Rancho/Deep Creek Official Community Plan Bylaw No. 750 (Bylaw No. 750) and the Rancho/Deep Creek Zoning Bylaw No. 751 (Bylaw No. 751) see attached "LC2610D_Excerpts_BL750_BL751.pdf" attached.

[Rancho/Deep Creek Official Community Plan Bylaw No. 750](#)

- Section 1 Introduction
- Section 3 The Development Strategy

[Rancho/Deep Creek Zoning Bylaw No. 751](#)

- Part 1 Administration
- Part 2 Definitions
- Part 3 General Regulations
- Part 4 Zones

FINANCIAL:

There are no financial implications associated with this application.

KEY ISSUES/CONCEPTS:History

The subject properties were part of a cattle farm, with the owner living on 5672 Lashburn Rd. in 2007 the properties were developed into a golf course (Canoe Creek Golf Course). The golf course was developed in a way that the single detached dwelling on 5672 Lashburn Rd was preserved and was screened from the driving range. Public access to the golf course club house is via a separate road. (The golf course is accessed by Shaw Rd). In 2017, both properties were sold, and the new (current)

owner took possession in 2018 and changed the name of the golf course to Shuswap National Golf Course.

When the current owners took possession of both properties the single detached dwelling and associated accessory buildings were vacant. The current owners then boarded up the dwelling to keep out squatters in the fall of 2018 (see "LC2610_Maps_Plans_Photos.pdf" attached for a picture of the dwelling).

Proposed Campground - Amending Bylaws 750-05 and 751-04

The owners would like to develop a campground on the southwestern corner of the property (not in the existing golf course and outside of the ALR). During their September 22, 2022, meeting the Board gave first reading to Ranchero/Deep Creek Official Community Plan Amendment Bylaw No. 750-05 (Bylaw No. 750-05) and Ranchero/Deep Creek Zoning Amendment Bylaw No. 751-04 (Bylaw No. 751-04). These amending bylaws would permit a campground for temporary accommodation of the travelling public. This would not include park models, and campsites would not have decks or other accessory buildings as seen in RV resorts (see [Item No. 17.3 in the September 22, 2022 Board Meeting Agenda](#) for a copy of the staff report and all attachments of the amending bylaws).

If the amending bylaws are adopted and a campground is constructed, the proposed campground development would not impact the portions of the property in the ALR, or the golf course itself. As such, these applications are being processed independently from one another.

Proposed Subdivision

As noted above the owners want to consolidate the golf course and driving range onto one property and separate the single detached dwelling from the golf course. The owners have no business plans for the single detached dwelling, and it would be sold as a private property with no connection to the golf course.

Previous Subdivision Application – ALC File LC2596 (2023)

The owners first applied for a subdivision application in the Agricultural Land Reserve (ALR) that would consolidate the golf course and driving range into one lot (6015 Shaw Rd – 99.29 ha) and have the single detached dwelling on a separate property (5672 Lashburn Rd - 1 ha).

The Board reviewed the proposed subdivision and recommended the application be forwarded to the Agricultural Land Commission recommending the application be approved at their April 20, 2023 Board meeting (see [Item 14.1 in the April 20, 2023 Board Meeting Agenda](#) for a copy of the staff report and all attachments for ALC Subdivision File LC2596D).

In that application, the owners' agent noted that if the proposed subdivision was approved, the owners would submit a bylaw amendment to rezone 5672 Lashburn Rd to Agriculture 1 (AG1) to be consistent with other properties in the ALR (see "LC2596D_Applicant_Submission_2022-04-13.pdf" attached).

The ALC reviewed the proposed subdivision and noted reducing a lot to 1 ha would greatly reduce the potential agricultural uses for the Lashburn Rd property and denied the application.

Current Application – ALC File LC2610D

After the proposed subdivision was denied, the owners revised the subdivision plan to address the ALC's concern and submitted a new application. The revised subdivision plan increases the size proposed for 6752 Lashburn Rd from 1 ha to 3.9 ha. The revised layout would create a larger lot for the proposed single detached dwelling and could offer more agricultural potential in the future. The proposed golf course and driving range property is reduced from 99.29 to 97.38 ha.

The owners' agent confirmed that if this application is approved, the owners also plan to submit a bylaw amendment application to rezone 5672 Lashburn Rd to Agriculture 1 as they did in their previous application. The owners' agent also noted that the golf course has no future plans for 6752 Lashburn Rd.

Official Community Plan

The subject properties are designated AG - Agriculture in the Rancho-Deep Creek Official Community Plan Bylaw No. 750 (Bylaw No. 750), which is common for nearly all properties are in the ALR. The Official Community Plan specifically recognizes the existing golf course and driving range in the Agriculture Designation. Policies encourage maintaining the agricultural land base from activities that may diminish agricultural value and potential, and that lands have a minimum lot area of 60 ha. The Official Community Plan also reiterates that approval of the ALC is required for subdivisions within the ALR. The specific regulations for subdivision are implemented through the zoning bylaw.

Zoning Bylaw

Boundary adjustment subdivisions are subject to the minimum lot size requirements of the zoning bylaw. The subject properties are zoned GC-Golf Course in the Rancho-Deep Creek Zoning Bylaw No. 751. The minimum parcel size in the GC Zone is 60 ha, aligning with the Agriculture official community plan land use designation. Also, a single detached dwelling is not a permitted use in the Golf Course Zone. 5672 Lashburn Rd does not meet the minimum lot size or permitted use regulations of the Golf Course Zone. 6015 Shaw Rd does meet the minimum lot size requirements of the Golf Course Zone.

The owners' agent recognized this potential issue and has confirmed that if the ALC approves the subdivision they will apply for a bylaw amendment to rezone the property from Golf Course to Agriculture 1 (AG1). The Agriculture 1 Zone includes "single detached dwelling" as a principal permitted use and would also allow the property to be used for agriculture. However, the minimum lot size for subdivision in the Agriculture 1 Zone is 60 ha.

Bylaw No. 751 includes regulations for an exemption from the minimum parcel size requirements for a boundary adjustment subdivision which facilitates an existing development. If the ALC approves the subdivision application, this mechanism in Bylaw No. 751 could allow the CSRD to approve the proposed subdivision to create parcel sizes less than 60 ha without site specific official community plan and zoning amendments being approved.

Subdivision in the Agricultural Land Reserve

Final approving authority for subdivisions in the CSRD is with the provincial government. Any subdivision that affects the ALR boundary must be approved by the ALC before it is reviewed by the CSRD and Ministry of Transportation and Infrastructure (MOTI). The Provincial Approving Officer (PAO) with MoTI is the final approving authority for subdivision in the CSRD.

The CSRD will include this Board report and attachments when forwarding a recommendation to the ALC for reference. However, the ALC's review of a subdivision application will focus on the ALC Act, ALC Regulations and policies, not local government bylaws.

If the ALC approves the proposed subdivision, the owners will be able to submit a subdivision application to the MoTI and then the CSRD. CSRD Staff will review the subdivision application for compliance with relevant bylaws and policies for the Provincial Approving Officer. For this subdivision relevant CSRD bylaws include the Rancho/Deep Creek Official Community Plan, Rancho/Deep Creek Zoning Bylaw and the Subdivision Servicing Bylaw.

Technical requirements of the Subdivision Servicing Bylaw are related to road access, the assessment and demonstration of potable water, and a review of the sewage disposal system or feasibility of a new sewage disposal system.

Analysis

Typically, staff do not support the subdivision of ALR lands as it fragments the agricultural land base and diminishes potential agricultural activity. However, no additional parcels are being created in this application and the ALC has previously approved the portion of 5674 Lashburn Rd to be used as a driving range limiting potential agricultural activity on the properties.

The proposed subdivision will not create any visible changes to the subject properties or require any changes to the road access. The driving range is part of Shuswap National Golf Course and is accessed by golfers through the golf course (6015 Shaw Rd). There is also a separate existing access driveway on Lashburn Rd if required. 5672 Lashburn Rd is screened and separated by a buffer of approximately 120 m of forest to the driving range and golf course.

ALC Files LC2327 and LC2328 are non-farm use applications which authorized the driving range and golf course on the subject properties. ALC File LC2327 approved the driving range to be conducted on a specific portion of 5672 Lashburn Rd which is delineated as a separate portion of the property from the existing dwelling on 5672.

The proposed plan of subdivision is close to the delineation of ALC File No. 2327; however, the plan of subdivision creates a slightly smaller parcel than the area delineated for a single detached dwelling in the non-farm use approval in ALC File No. LC2327D. See "LC2610D_Maps_Plans_Photos.pdf" attached for a map of the current subdivision plan (ALC Files LC2610D, LC2596D and LC2327D).

If the ALC supports this application (ALC File LC2610D) and approves the subdivision, the owners will still have to submit a subdivision application to the CSRD and Ministry of Transportation and Infrastructure and submit a bylaw amendment application to rezone 5672 Lashburn Rd to Agriculture 1. If this application is approved by the ALC and the owners apply to rezone the property as noted above, the Official Community Plan would support rezoning from the Golf Course Zone to Agriculture 1 because it increases the land that could be used for agriculture and promotes farming. Rezoning to a residential zone would not be supported because the property is in the Agricultural Land Reserve. A bylaw amendment must be adopted in order for the owners to complete their subdivision as the Golf Course Zone does not permit a single detached dwelling as a principal permitted use.

Staff will review the official community plan in more detail when a complete bylaw amendment application is received. Staff will prepare the amending bylaw with a separate report for the Board's consideration.

Technical details of the subdivision are established in the Subdivision Servicing Bylaw. Technical details will be reviewed in more detail by staff when a complete subdivision application is received. Subdivision review and processing subdivision applications is a technical process delegated to staff, and as such, the Board will not receive additional reports regarding technical review of the subdivision.

Rationale For Recommendation

The owners of 6015 Shaw Rd and 5672 Lashburn Rd are applying for a subdivision (boundary adjustment) to separate an existing single detached dwelling from the Shuswap National Golf Course and driving range. Staff are recommending that the Board forward the ALC Application LC2596 to subdivide in the ALR to the ALC with a recommendation to approve the application for the following reasons:

- While the official community plan doesn't support subdivision in the ALR, the golf course is a recognized use in the ALR for the subject properties.
- As a boundary adjustment, no new additional parcels would be created.
- The ALC approvals for the golf course and driving range specifically identify an area not to be associated with the golf course which can be used for agriculture.
- The proposed subdivision can meet the exemption from minimum parcel size criteria applicable to facilitate an existing development in the zoning bylaw.
- The proposed subdivision and pending rezoning of 5672 Lashburn Rd would increase potential land for agriculture.

IMPLEMENTATION:

If the proposed subdivision is approved by the ALC, the property owner will then be able to make an application to the CSRD for a bylaw amendment to rezone 5672 Lashburn Rd from Golf Course to Agriculture 1) and make applications to the CSRD and MOTI for a boundary adjustment subdivision of the subject properties.

COMMUNICATIONS:

The recommendation of the Board, staff report, and supporting documents will be forwarded to the ALC for consideration during its review of the application.

DESIRED OUTCOMES:

That the Board endorse the staff recommendation.

BOARD'S OPTIONS:

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

Report Approval Details

Document Title:	2024-10-17_Board_DS_LC2610D.docx
Attachments:	- LC2610D_ALC_Application_Redacted.pdf - LC2610D_Excerpts_BL750_BL751.pdf - LC2596D_Applicant_Submission_2022-04-13.pdf - LC2610D_Maps_Plans_Photos.pdf
Final Approval Date:	Oct 8, 2024

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



Corey Paiement

No Signature - Task assigned to Gerald Christie was completed by assistant Jennifer Sham

Gerald Christie



Jennifer Sham



John MacLean