



BOARD REPORT

TO: Chair and Directors

File No: LC2540 PL20170113

SUBJECT: Electoral Area B: Agricultural Land Commission (ALC) Application
Section 30(1) – Exclusion LC2540 (RJR Land Company Ltd.)

DESCRIPTION: Report from Jennifer Sham, Planner, dated November 14, 2017.
Hill Creek Road, Galena Bay

RECOMMENDATION: THAT: Application No. LC2540, Section 30(1) Exclusion from the
Agricultural Land Reserve, for District Lot 7045 and District Lot 7046,
Kootenay District, be forwarded to the Provincial Agricultural Land
Commission recommending approval on this 1st day of December, 2017.

SHORT SUMMARY:

The owners are applying to the ALC to exclude two properties of approximately 62 ha in total size from the Agricultural Land Reserve (ALR) on Hill Creek Road in the Galena Bay area. If ALC approves the exclusion, according to the agent, the owners wish to subdivide the properties "to live on for recreational and residential purposes."

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

REGISTERED OWNER(S):
RJR Land Co. Ltd., INC. No. A0073197

APPLICANTS:
Robert Adamowicz and Richard Adamowicz

AGENT:
Denis Delisle

ELECTORAL AREA:
B

LEGAL DESCRIPTION:
1) District Lot 7045 Kootenay District; and,
2) District Lot 7046 Kootenay District

SURROUNDING LAND USE PATTERN:
North = Upper Arrow Lake (Northeast Arm)
South = Rural and Resource
East = Rural and Resource
West = Rural and Resource, Upper Arrow Lake (Northeast Arm)

CURRENT USE:

Vacant

PROPOSED USE:

Recreational Residential

PARCEL SIZE:

DL7045 = 28.32 ha

DL7046 = 34.1 ha

DESIGNATION:

Electoral Area B Official Community Plan Bylaw No. 850

RSC Rural and Resource

ZONE:

Electoral Area B Zoning Bylaw No. 851

DL7045 = RH Rural Holdings

DL7046 = RSC Rural and Resource

AGRICULTURAL LAND RESERVE:

100%

SOIL CAPABILITY:

DL7045 = According to the Canada Land Inventory mapping, 10% of the property is 70% Class 7 soils with topography and consolidated bedrock as limiting factors, and 30% Class 6 with topography and consolidated bedrock as limiting factors. The soils are not improvable.

90% of the property is 60% Class 5 soils with topography and moisture limitations as limiting factors, and 40% Class 7 soils with consolidated bedrock and topography as limiting factors. The soils are improvable with a change from Class 5 soils to Class 4 soils and the same limiting factors.

DL7046 = According to the Canada Land Inventory mapping, the property is 60% Class 5 soils with topography and moisture limitations as limiting factors, and 40% Class 7 soils with consolidated bedrock and topography as limiting factors. The soils are improvable with a change from Class 5 soils to Class 4 soils and the same limiting factors.

See "Maps_Plans_Photos_LC2540.pdf" attached.

Staff is in receipt of a "Soil and Agricultural Capability and Suitability Assessment" from David Struthers, Senior Agrologist, at VAST Resource Solutions Inc. stating that the "overall unimproved CLI agricultural capability rating for the property [DL7045, DL7046, and DL8653] is Class 5, with limitations for topography and stoniness. Improvements to capability are not considered feasible due to the combined influence of these limitations." See "VAST_report_OCT-2017_LC2540_LC2541.pdf" attached.

HISTORY:

See "Maps_Plans_Photos_LC2540.pdf" attached.

- 1099 (1975) applied for subdivision. The property was excluded from the ALR.
- 1319 (1979) allowed 4 lot subdivision
- 1441 (1977) allowed 3 lot subdivision

- 1815 (1982) allowed exclusion
- 1886 (1983) allowed exclusion
- 2259 (2001) refused inclusion of 0.7 ha of land into the ALR due to limited agricultural capability.
- LC2541 (2017) current exclusion application

SITE COMMENTS:

Staff conducted a site visit with the agent on July 19, 2017. See "Maps_Plans_Photos_LC2540.pdf" attached. Both properties are vacant and densely treed, and access to the lots are via unpaved road. According to CSRD mapping, DL7045 contains slopes of up to 35% with a small portion of flat land near the shoreline; and, DL7046 contains a small portion of slopes of up to 50% with a few areas with less than 10% slope. Both properties appear to contain a majority of 10-25% slopes. There is a small active gravel pit on DL7046, and no other signs of use on the properties. According to the agent, the property was used for resource extraction (logging) in the past.

POLICY:

Electoral Area B Official Community Plan Bylaw No. 850

RSC Rural and Resource

3.3.2 Support a 60 ha minimum parcel size for Rural Resource area designations.

3.3.12 For subdivisions within or adjacent to Rural Resource areas, provide for: routes to access forest roads; backcountry trail parking areas; and, controlled access facilities (gate, signage, etc.) where such access does not conflict with resource tenures such as water reservoirs, watersheds, mining and timber harvesting.

3.3.15 Protect sand and gravel aggregate supplies for anticipated future needs.

4.4 Community Specific Policies

Upper Arrow Lake (Galena Bay, Beaton, Halcyon North, Arrowhead)

4.4.20 Recognize the strong community interest in maintaining the rural character of the area and designate all privately held lands as Small Holdings with a minimum parcel size of 4 ha.

4.4.23 Recognize the high recreation and residential values north of Highway 31 in Beaton and Galena Bay and south to Halcyon and support lakeshore development in a Residential Cluster Development format only and subject to the Residential Cluster Development Policies and Lakeshore Criteria of Section 4.3.26.

Agriculture

10.3.1 The Regional District supports the preservation, maintenance and enhancement of lands for agricultural use within the Agricultural Land Reserve. Current Agricultural Land Reserve designations are inventoried in Schedule C [Bylaw No. 850].

10.3.3 Agriculture ... is permitted in the Rural Resource, Small Holdings, and Rural Residential 2 designations.

12.6 Riparian Area Regulation (RAR) Development Permit Area

12.7 Lakes 100 metre Development Permit Area

See "BL850_Policies_LC2540_LC2541.pdf" attached.

Electoral Area B Zoning Bylaw No. 851

DL7045 = RH Rural Holdings

Principal uses: airfield; agriculture; backcountry recreation; driving range; forestry; golf course; guest ranch; horticulture; small-scale sawmill; resource extraction; single family dwelling; standalone residential campsite; timber harvesting

Secondary uses: accessory use; bed and breakfast; guest ranch; home occupation; kennel; residential campsite; secondary dwelling unit

Minimum parcel size created by subdivision: 60 ha

Minimum parcel width created by subdivision: 100 m

DL7046 = RSC Rural and Resource

Principal uses: airfield; agriculture; aquaculture; backcountry recreation; forestry; guest ranch; horticulture; kennel; small-scale sawmill; resource extraction; single family dwelling; standalone residential campsite; timber harvesting

Secondary uses: accessory use; home occupation; residential campsite; secondary dwelling unit

Minimum parcel size created by subdivision: 60 ha

Minimum parcel width created by subdivision: 100 m

FINANCIAL:

No financial implications to the CSRD, this application for exclusion is not the result of bylaw enforcement.

KEY ISSUES/CONCEPTS:

From the ALC application completed by the agent:

More than half of the property makeup is very rocky or boulder-ed and steep (estimated to be 41 ha). It would be extremely difficult to grow any agricultural product on these sections of land. Soils that are available and topography that is not so steep that would allow farm equipment use, is of deep [and] sandy gravel type. This sandy gravel mixture (estimated to be about 22 ha of the property) suggests a soil of poor nutrient and moisture retention for any agricultural product to be grown here. There has been very little top soil found throughout the property. The topography is too steep for farm equipment for the most of the property, which slopes to the north reducing sun exposure for plants. Water would have to be drilled. To extract water from the lake is difficult because of the changing water levels (20 meters).

The "Soil and Agricultural Capability and Suitability Assessment" from David Struthers, Senior Agrologist, at VAST Resource Solutions Inc. further states that "due to physiographic and topographic characteristics, the property is also considered to have climatic limitations related to insufficient heat units and minimum temperature near freezing during the growing season" ... [and] "the subject property has limited suitability for soil bound agricultural production other than unimproved native forage for seasonal, low carrying capacity grazing." The report also states that there was no indication of past or current agricultural use on the property during their site visit and that the "approval of the proposed application would not negatively impact local and/or regional agricultural production capacity." See "VAST_report_OCT-2017_LC2540_LC2541.pdf" attached.

The Electoral Area B Official Community Plan Bylaw No. 850 policy 10.3.1 states that the CSRD supports preservation, maintenance, and enhancement of agricultural use on ALR lands; however, the VAST report, written specifically for these properties, indicates that physiographic and topographic conditions

limit soils bound agricultural potential on the subject properties and supports the proposed application for exclusion from the ALR.

If the ALC approves exclusion, or refuses exclusion but allows subdivision within the ALR, the applicants may proceed with a redesignation and rezoning application through the CSRD to facilitate a future subdivision application to the Ministry of Transportation and Infrastructure.

SUMMARY:

Development Services staff is recommending approval of the application to exclude the subject properties from the ALR for the following reasons:

- Adjacent lands are currently vacant and not used for agriculture;
- The VAST report states that the property has limited suitability for soil bound agricultural production and would not negatively impact local and/or regional agricultural production capacity;
- Both properties contain steep slopes with the majority of the properties having 10 – 25% slopes; and,
- The properties contain a majority of Class 5 and 7 soils with topography, consolidated bedrock, and moisture limitations as limiting factors that do not allow for a wide variety of agricultural use.

IMPLEMENTATION:

If the ALC allows this application, the owner will apply for a redesignation and rezoning of the properties.

If this exclusion application is not approved, if the owners still wish to subdivide the property, a subdivision within the ALR application will be required. If the subdivision within the ALR application is approved, the owners will apply for a redesignation and rezoning of the properties.

If the redesignation and rezoning is successful, the owner will continue with the subdivision process by applying to both Ministry of Transportation and Infrastructure and the CSRD.

COMMUNICATIONS:

The applicant, under Section 30(1), Exclusion, was required to advertise in a newspaper, to notify adjacent property owners in writing, and to post a sign on the property as notice of the proposed exclusion. Proof of notification was included as part of the application. Staff did not receive any letters from property owners within the area.

This application was referred to the APC B who recommended approval.

The recommendation of the Board will be forwarded to the ALC for consideration during its review of this application.

DESIRED OUTCOMES:

That the Board endorse the 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. Agricultural Land Commission Act and Regulation
2. Electoral Area B Official Community Plan Bylaw No. 850
3. Electoral Area B Zoning Bylaw No. 851

Report Approval Details

Document Title:	2017-12-01_Board_DS_LC2540_RJRLandCoLtd.docx
Attachments:	- BL850_Policies_LC2540_LC2541.pdf - VAST_report_OCT-2017_LC2540_LC2541.pdf - Maps_Plans_Photos_LC2540.pdf
Final Approval Date:	Nov 18, 2017

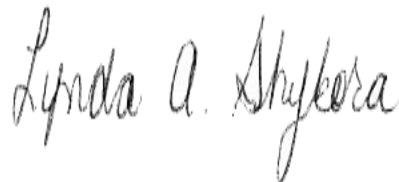
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Nov 16, 2017 - 4:02 PM



Gerald Christie - Nov 17, 2017 - 9:59 AM



Lynda Shykora - Nov 17, 2017 - 1:00 PM



Charles Hamilton - Nov 18, 2017 - 11:22 AM