



BOARD REPORT

TO: Chair and Directors

File No: LC2542D
PL20170179

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 January 2, 2018.
1225 Salmon River Road, Silver Creek

RECOMMENDATION: THAT: Application LC2542D, Section 20(3) for Non-Farm Use, for Lot 2, Section 5, Township 19, Range 10, W6M, KDYD, Plan KAP55207, be forwarded to the Agricultural Land Commission recommending refusal this 18th day of January, 2018.

SHORT SUMMARY:

The agent is applying to the ALC for a non-farm use to expand the Valley Mobile Home Park onto the subject property located at 1225 Salmon River Road in Silver Creek in Electoral Area D. If the ALC approves the non-farm use, the property will require a bylaw amendment to allow this expansion to the Valley Mobile Home Park.

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

REGISTERED OWNER(S):
0764577 BC Ltd.

APPLICANT/AGENT:
Clarence Vanderlinde

ELECTORAL AREA:
D

LEGAL DESCRIPTION:
Lot 2, Section 5, Township 19, Range 10, W6M, KDYD, Plan KAP55207

PID:
023-148-837

CIVIC ADDRESS:
1225 Salmon River Road, Silver Creek

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

South = Valley Mobile Home Park, Rural Residential
East = Rural, Agriculture, ALR
West = Salmon River Road, Rural Residential

CURRENT USE:

Vacant land with accessory buildings

PROPOSED USE:

Expansion of the existing Valley Mobile Home Park located to the south of and adjacent to the subject property.

PARCEL SIZE:

4.05 ha

DESIGNATION & ZONE:

Salmon Valley Land Use Bylaw No. 2500
RH Rural Holdings

AGRICULTURAL LAND RESERVE:

100 %

SOIL CAPABILITY:

According to the Canada Land Inventory mapping, 99% of 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.

The remaining 1% of the subject property contains Class 5 soils with topography and stoniness as limiting factors. These soils are not improvable.

See "Maps_Plans_Photos_LC2542.pdf".

HISTORY:

There have been a number of applications in the area:

- 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
- 1115 (1975) allowed 2 lot subdivision, lot separated by the road
- 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
- 1420 (1978) approved a boundary line adjustment between 2 lots

- 1510 (1978) refused 2 lot subdivision because of good agricultural capability and fragmentation of agricultural land severely limits agricultural options in the future
- 1691 (1980) approved 2 lot subdivision
- 1745 (1981) approved 2 lot subdivision and farm machine repair business
- 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" [Subject Property]
- 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)
- 2066 (1990) boundary line adjustment between two lots approved
- 2282 (2003) allowed 3 lot subdivision
- 2330 (2006) allowed 2 lot subdivision
- 2406 (2009) allowed 2 lot subdivision

See "Maps_Plans_Photos_LC2542.pdf".

SITE COMMENTS:

Development Services (DS) staff visited the subject property on October 12, 2017. It appeared that there was a single family dwelling on the property in the past, but according to neighbours, it was destroyed by fire in December 2016. A few accessory buildings remain on the property. The property is relatively flat with a marshy area in the centre of the property. 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. According to the neighbour to the north, their property is also currently being used for agriculture (hay). DS staff note that the public submissions were not solicited by the CSRD but received after the Advisory Planning Commission (APC) meeting notice including the APC report was posted to the CSRD website.

See "Public_Submissions_LC2542.pdf" and "Maps_Plans_Photos_LC2542.pdf" attached.

ALC APPLICATION INFORMATION (completed by applicant/agent):

Proposal:

1 – to expand the mobile home park which is adjacent to our park, 2 – to provide the silver creek community with affordable homes, 3 – large lots or pads to promote and accommodate gardens, 4 – Valley mobile home park residents make up a large part of the Silver Creek community and participate in many community events, 5 – to create affordable housing for young families to support Silver Creek elementary school, 6 – to provide tax income for the CSRD to help with community's firehall, library, community hall, school and road improvements, 7 – to promote and support local businesses throughout the region.

Current agriculture that takes place on the parcel:

In the first 10 years that I have owned the mobile home property adjacent to this parcel of land, it has laid dormant and see NO agricultural activity.

Agricultural improvements made to the parcel:

Two years ago, a neighbouring beef producer planted about two acres of alfalfa on the eastern part of this parcel. This seems to be the only workable portion of farmable land, the remaining 8 acres has scattered trees with a gully.

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

Nothing has been done to the remaining 8 acres. It is full of tall weeds and old dead scattered trees. This parcel has been neglected and it is a fire hazard every year. The gopher and vole population is thriving, being a nuisance to the neighbours.

Could this proposal be accommodated on lands outside the ALR?

No. there is no land within Silver Creek community that is zoned for MHP. This parcel is the only land that is adjacent to the existing valley mobile home park.

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

Yes, each lot or pad is large enough to support vegetable and flower gardens. The large common area could be used as a community garden to help provide other in the park with fruits, vegetables and herbs. This could be a great opportunity to teach sustainable living to children as well as adults.

POLICY:

Salmon Valley Land Use Bylaw No. 2500 (Bylaw No. 2500)

Section 1.7 Rural and Agricultural Character

Policies

1.7.2.4 The rural holdings areas, with a minimum parcel size of 8 ha, are designated as RH (Rural Holdings).

1.7.2.5 The Regional Board wishes to discourage residential intrusion in agricultural areas. The Board sees the creation of 8 hectare parcels from larger parcels of good agricultural land (including land within the Agricultural Land Reserve and Class 4 or better agricultural land) as the first step toward residential intrusion on agricultural land. To prevent this intrusion, the Regional Board discourages new Rural Holding designations (8 ha minimum parcel size) on good agricultural land.

1.7.2.7 The Regional Board prefers to see rural residential use concentrated on parcels approximately 1 ha (2.5 ha) in size and located in areas where the residential use clearly will not have a negative impact on agricultural uses.

Section 1.8 Land Resource Capability

1.8.2.3 Residential, commercial, industrial, and institutional uses shall be encouraged to locate on land with low agricultural resource, or wildlife capability, and on land with soils suitable for sewage disposal.

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).

Rural Holdings

Permitted uses: agriculture, church, equestrian centre, fish farms, home occupation, kennel, single family dwelling, accessory use.

Minimum parcel size:

8 ha

Maximum number of single family dwellings:

1 on a parcel with less than 2 ha in area;

2 on a parcel with 2 ha or more in area

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:

The owners of the Valley Mobile Home Park purchased the subject property on October 16, 2017. The existing Valley Mobile Home Park ("Park") consists of at least 53 manufactured homes and the units in the Park are numbered to 62. To allow access to the proposed expansion to the north, one of the manufactured homes within the existing Park will be removed.

According to the site plan received, the expansion of the Park consists of 30 new pads. The site plan indicates that the subject property will be accessed directly from Salmon River Road and through the existing Park to the south. According to the agent, the new expansion will be serviced by its own well and septic treatment plant and the existing Park will continue to be serviced by a well and septic system.

The policies within Bylaw No. 2500 regarding rural and agricultural areas do not support this proposal. An objective of the Board is to generally "preserve the rural and agricultural character of the area and ensure the continued viability of economic activities based on agriculture and forestry resources." The Board prefers to see residential development in areas where the residential use "clearly will not have a negative impact on agricultural uses." The maximum density on this parcel is 2 (with ALC approval) and the proposed number of pads on the property would be 30.

If the ALC approves the non-farm use, the owner may proceed with a redesignation and rezoning application through the CSRD to allow for the mobile home park expansion. The agent has indicated that if the ALC refuses the non-farm use, he will likely sell the property.

SUMMARY:

The agent is applying to expand the Valley Mobile Home Park in Silver Creek by 30 pads on the subject property. Staff is recommending refusal of this non-farm use in the ALR for the following reasons:

- The subject property is designated and zoned RH which does not permit a mobile home park and has a density of 2 single family dwellings per (2 ha or more) parcel;

- The OCP policies strongly discourage residential intrusion into agricultural areas;
- The property contains Class 4 and 5 soils that are improvable to Class 3 and 4 soils, and is relatively flat, and has potential for a variety of agricultural uses; and,
- Adjacent lands to the north and east are currently being used for agriculture.

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 establishing a mobile home park on the subject property.

COMMUNICATIONS:

This application was referred to the Advisory Planning Commission D who recommended refusal.

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.*

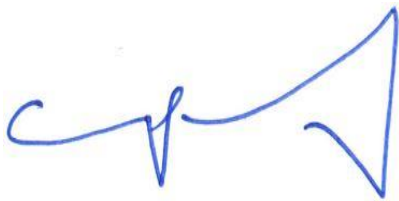
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

- Salmon Valley Land Use Bylaw No. 2500
- APC D Meeting Minutes

Report Approval Details

Document Title:	2018-01-18_Board_DS_LC2542_0764577BCLTD.docx
Attachments:	- Public_Submissions_LC2542.pdf - Maps_Plans_Photos_LC2542.pdf
Final Approval Date:	Jan 5, 2018

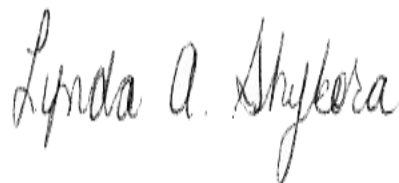
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Jan 4, 2018 - 11:08 AM



Gerald Christie - Jan 5, 2018 - 8:12 AM



Lynda Shykora - Jan 5, 2018 - 10:32 AM



Charles Hamilton - Jan 5, 2018 - 11:07 AM