



BOARD REPORT

TO: Chair and Directors

File No: LC2546-F
PL20170215

SUBJECT: Electoral Area F: Agricultural Land Commission (ALC) Application Section 20(3) – Non-Farm Use LC2546F (Isley).

DESCRIPTION: Report from Dan Passmore, Senior Planner, dated December 3, 2017. 6929 Squilax-Anglemont Road, Magna Bay.

RECOMMENDATION #1: THAT: Application No. LC2546, Section 20(3) Non-Farm Use in the Agricultural Land Reserve (ALR), for the West 1/2 of the Northwest 1/4, Section 17, Township 23, Range 9, West of the 6th Meridian, Kamloops Division, Yale District, Except Part of the Southerly 350' of Legal Subdivision 12, as shown on Plan B7633 (PID: 014-009-552), be forwarded to the Provincial Agricultural Land Commission recommending approval on this 18th day of January, 2018.

SHORT SUMMARY:

The owner is applying to the ALC to use a 0.2 ha portion of the 2.02 ha. portion of the subject property in the ALR and south of Ross Creek, for 2.5 camping spaces which were inadvertently developed on the ALR portion when the Ross Creek General Store and Campground was originally developed. The commercial camping spaces are not a farm use, in accordance with the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, B.C. Reg. 171/2002, so an application under Section 20(3) for non-farm use in the ALR for these campsites in this 0.2 ha. area has been submitted.

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):
Robert and Evelyn Isley

APPLICANT:
R.G. (Bob) Holtby, P.Ag.

ELECTORAL AREA:
F

LEGAL DESCRIPTION:

West 1/2 of the Northwest 1/4, Section 17, Township 23, Range 9, West of the 6th Meridian, Kamloops Division, Yale District, Except Part of the Southerly 350' of Legal Subdivision 12, as shown on Plan B7633 (PID: 014-009-552)

SURROUNDING LAND USE PATTERN:

NORTH = Ross Creek, Agriculture, Industrial Gravel
SOUTH = Squilax-Anglemont Road, Agriculture, Residential
EAST = Agriculture
WEST = Residential, Commercial Campground

CURRENT USE:

Ross Creek General Store and Campground

PROPOSED USE:

Same as above

PARCEL SIZE:

32.09 ha (79.3 ac); portion in GC Zone 4.88 ha (12.05 ac); portion in ALR 2.02 ha (5 ac)

DESIGNATION:

Electoral Area F Official Community Plan Bylaw No. 830
SSA – Secondary Settlement Area and RSC – Rural and Resource

ZONE:

Magna Bay Zoning Bylaw No. 800
GC – General Commercial and A - Agriculture
DL7046 = RSC Rural and Resource

AGRICULTURAL LAND RESERVE:

2.02 ha (5 ac)

SOIL CAPABILITY:

According to the Canada Land Inventory mapping, The area south of Ross Creek is mostly Class 5 soils with soil moisture deficiency as the limiting factor, improvable Class 4.

A small portion of the area within the ALR in the extreme southeast corner of the property comprising less than 0% of the land area is Class 4, improvable to Class 3, with the same soil moisture deficiency limitations.

See "Maps_Plans_LC2546.pdf" attached.

Staff is in receipt of "An Opinion on an Application for Non-Farm Use of an Intrusion into the Agricultural Land Reserve" from R.G. Holtby, P.Ag., stating that the intrusion to the ALR area is innocuous and easily reversed, should the ALR portion of the property ever be utilised for agricultural purposes, in which case the campsites would be allowed as an Agri-tourism related use." See "AGROLOGIST_report_OCT-30-2017_LC2546.pdf" attached.

HISTORY:

See "Maps_Plans_ LC2546.pdf" attached.

- #1132 (1975) An application to exclude the property from the ALR was approved.
- #1153 (1976) ALC allowed exclusion of the property from the ALR.
- #1175 (1976) ALC allowed a subdivision of the subject property into 30 – 5.0 acre lots.
- #1200 (1976) ALC allowed exclusion of the area south of the Lucerne Beach Road.

- #1295 (1977) ALC allowed an application to subdivide former Block 1 into 2 lots subject to the easterly 6.8 ac portion being consolidated with Lot 8, Plan 3709 and the SE ¼ of Section 17. The ALC also allowed exclusion of the area south of the newly proposed road (Lucerne Beach Road).
- #1310 (1977) ALC allowed a non-farm use application to construct an additional duplex on the property under Resolution #5410/77.
- #1329 (1977) ALC refused an application to subdivide but later that year approved the exclusion of the property from the ALR Resolution #7353/77.
- #1361 (1977) ALC allowed the exclusion of the property from the ALR by Resolution #6593/77.
- #1443 (1978) ALC allowed exclusion of the property from the ALR by Resolution #8307/78.
- #1774 and 1774a (1982) an application for exclusion (1774) was withdrawn and cancelled by the applicant. A subsequent application (1774a) to subdivide 13 lots from the property was refused by the ALC by Resolution #1969/82.
- #1868 (1982) ALC allowed the exclusion of the property from the ALR by Resolution #2241/82.
- #1876 (1982) ALC allowed the exclusion of the property from the ALR by Resolution #2770/82.
- #1951 (1984) ALC refused an application for a subdivision by resolution #999/84. The ALC advised that the 8.0 ha. parcel has good potential for agriculture with Class 4 soils, improveable to Class 3. Subdivision would reduce options for long term agricultural use and creates negative impact on surrounding agricultural land. Parcelization tends to encourage further requests for subdivision. An increase in smaller lots lead to diminished agricultural use.
- #2000 (1986) ALC allowed the exclusion of 10.0908 ha. southeast of Squilax-Anglemont Road from the ALR by Resolution #696/86.
- #2400 (2009) (subject property) ALC allowed the exclusion and inclusion of portions of the land.
- #2478 (2013) (subject property) ALC approved a subdivision of a 1.0 ha lot and non-farm use for a firehall by Resolution #307/2013.

SITE COMMENTS:

Ross Creek bisects the property with slightly less than 1/2 of the property lying south of Ross Creek and adjacent to Squilax-Anglemont Road. It is the portion of the property that is south of Ross Creek where the campground is located. The portion to the north of Ross Creek is currently being subdivided to create 2 new lots. The portion south of Ross Creek will be the remainder.

This area has a mixture of uses. Most of the properties are mainly permanent residences with some residences being used as summer homes. A larger parcel is being used for gravel extraction and processing and the remaining larger properties have agricultural uses.

The portion of the property currently in the ALR is not used for any agricultural purposes. It is treed other than the small area cleared for the 2.5 camping spaces that are the subject of this application. Since the area is not used for agricultural purposes, the property does not have farm classification.

The entire area south of Ross Creek could be used for agriculture. The portion of the property that is within the ALR is relatively flat. Development Services staff do not see a significant change in land form from that part of the property south of Ross Creek which is not within the ALR to that part of the property which is in the ALR.

Ross Creek is identified by Ministry of Environment as being an alluvial fan. At the time of enactment of the Magna Bay Zoning Bylaw 800, a letter from P.F. Doyle, Engineering Section Head of the Ministry of Environment, advised that Ministry of Environment did not want any further development on active parts of the fan. Armouring works have been constructed along both sides of Ross Creek by the Ministry of Transportation and Infrastructure (MoT) to protect the Ross Creek bridge on Squilax-Anglemont Road. These works extend west into the subject property.

Should the ALC approve this application, for non-farm use, it will still not comply with the current A – Agriculture Zone on the area where the 2.5 campsites are located, as it does not permit a commercial campground. As a normal part of any potential OCP/Rezoning amendment application, further technical information may be required when this application is submitted.

POLICY:

The property currently has two designations south of Ross Creek, as the result of an amendment to the OCP, (Electoral Area 'F' Official Community Plan Amendment (Isley) Bylaw No. 830-8) which was adopted February 16, 2012. Bylaw 830-8 resulted in a portion of the subject property lying south of Ross Creek in the southwest corner being designated as SSA - Secondary Settlement Area. The remainder of the parcel, including the area of the proposed subdivision remained designated RSC - Rural and Resource Lands.

Since the application directly impacts the RSC designated area, the RSC policies as well as the Agricultural policies have a bearing on the non-farm use application.

11.3 Agriculture (AG)

Objective 1

To support the long-term viability of the agricultural industry in the North Shuswap and to ensure valuable agricultural lands are preserved for agricultural purposes and protected from inappropriate fragmentation through subdivision.

Objective 2

To support agricultural development in the ALR in the Scotch Creek Primary Settlement Area, as agriculture provides a sustainable, complementary, economic development option which is compatible with other land uses proposed for this area.

Policy 1

The lands designated as Agriculture are shown on Schedules B & C. Agriculture is the primary and dominant land use, with a full range of crop and livestock production activities permissible, as well as homes, buildings and structures associated with agricultural operations. Lands within the Provincially-designated Agricultural Land Reserve (ALR) at the time of writing of this Plan are shown on Schedule D.

Policy 2

The minimum parcel size for new subdivisions within the Agriculture land use designation is 60 hectares (148 acres).

Policy 3

New subdivisions are generally discouraged, other than subdivision or parcel consolidations demonstrated not to have an intrusive or conflicting impact on the surrounding agricultural community.

Policy 4

No exclusions of the Scotch Creek ALR lands are recommended, with the following potential exceptions:

- a) Land that may be required to improve the right angle intersection of the Squilax-Anglemont road (for example, through the construction of a roundabout).
- b) Land directly adjacent to the Scotch Creek Village Core, and only for the purposes of development for civic or community uses, subject to consultation with the ALC through a

community planning exercise that will examine both non-ALR and ALR site options.

Policy 5

New lots may be created within the ALR only where authorized by the Agricultural Land Commission.

Policy 6

Agri-tourism and agri-accommodation operations are considered complementary to agricultural land use, and are acceptable in the Agricultural designation, subject to additional conditions in the implementing zoning bylaw and the policies and regulations of the Agricultural Land Commission.

Policy 7

Home-based businesses and home-based industries, as defined in the zoning bylaw, are acceptable in the Agriculture designation. On ALR lands, these uses are subject to Agricultural Land Commission policies and regulations.

Policy 8

Exclusion or subdivision of ALR lands within Settlement Areas will be reviewed on a case-by-case basis. ALR lands in Settlement Areas should not be presumed to be excludable or subdividable. An Agriculture Strategy or Agriculture Plan should be developed to help determine when exclusions or subdivisions are appropriate.

11.4 Rural and Resource Lands (RSC)

Objective 1

To support forestry, agricultural, mining and recreational uses provided they follow all Provincial regulatory requirements, and avoid conflicts with residential areas.

Policy 1

The Rural and Resource land use designation is established on Schedules B & C.

Policy 2

Forestry, mineral, and aggregate extraction and outdoor recreational uses are appropriate in this area.

Policy 3

Lands designated as Rural and Resource should be maintained as large land parcels.

Policy 4

The Regional District encourages responsible land use practices on Rural and Resource lands: Forestry should be managed in accordance with the Okanagan Shuswap Land and Resource Management Plan (OSLRMP). The Ministry of Forests, Lands and Natural Resource Operations is encouraged to use its regulatory authority to ensure that best management practices are followed by logging operations in order to minimize erosion and protect, to the greatest extent possible, the attractive viewscapes associated with the natural tree cover in the area. There should be no clear-cutting of large tracts of forest land that are visible from Shuswap Lake.

Aggregate operations are subject to the licensing requirements of the Ministry of Energy and Mines. Aggregate operators must conduct their activities in accordance with the Aggregate Operators Best Management Practices Handbook for British Columbia which addresses specific community issues such

as noise, dust, traffic, hours of operation, viewsapes and sets out specific practices designed to minimize impact on the environment. Schedule E, showing the extent of aggregate potential, is sourced from the Ministry of Energy and Mines.

Policy 5

The Regional District encourages the Ministry of Energy and Mines to refer sand and gravel/quarry proposals to the Regional District and give due consideration to the impact of extraction and processing activities on surrounding land uses and developments. In particular, the Regional District encourages the Ministry not to issue new surface permits for sand and gravel/quarry processing near residential areas unless the applicant demonstrates how mitigation measures will minimize or nullify the effects of the proposed activity.

Policy 6

Resource extraction operations, including forestry and mining, are responsible for restoring the landscape upon completion of the operations

An OCP amendment will be required should the ALC approve the non-farm use. The amendment would include the area of the 2.5 campsites into the SSA designation.

The subject property is within the Ross Creek Alluvial Fan, as identified by the BC Ministry of Environment, and has been designated as a Development Permit Area (Hazardous Lands DP Area 1).

Magna Bay Zoning Bylaw No. 800

Existing A Agricultural Zone

The purpose of the A Agricultural Zone is to identify and maintain large parcels of land with agricultural potential. The A zone does not permit campground use.

GC-General Commercial Zone

The permitted uses in the GC zone include *campground, marina, motel, nursery, office, restaurant, retail store, either a dwelling unit or a single family dwelling for the use of the owner, operator or caretaker and accessory use.* A

The applicant would need to amend the GC-General Commercial Zone special regulation for this property to reflect the new zone boundary for the additional campsites on the ALR portion.

Section 5.7 (3)(b) establishes that the maximum density of camping spaces in a campground is 10.5 per ha. The density of camping spaces will need to be amended in the special regulation to reflect a current subdivision proposal that will sever the area north of Ross Creek from the overall property. The new property size would then be 7.19 ha. So the density of camping sites would then be 6.95/ha.

FINANCIAL:

No financial implications to the CSRD, this application is the result of a compliance action undertaken by the ALC.

KEY ISSUES/CONCEPTS:

The application for non-farm use of a 0.2 ha portion of the property within the ALR, has been made as a result of an ALC compliance and enforcement officer contacting the owner, in an effort to resolve a violation of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, B.C. Reg. 171/2002 in respect of approximately 2.5 camping sites, within the ALR portion of the property. The ALC compliance and enforcement officer gave the owner the following options to resolve the issue:

1. Cease the non-farm use of ALR land and remediate the area to an agricultural capability;
2. Suspend the non-farm use of ALR land until the property receives farm classification; or,
3. Submit a non-farm use application to request authorization from the ALC for the non-farm use. An application does not guarantee approval.

As is noted in item 2 above, if the property had farm classification, use of a portion of it for camping sites would be allowed under the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, B.C. Reg. 171/2002.

The opinion from the Professional Agrologist included in the application references, and as attached as an appendix, a past report submitted for application LC2400 which resulted in approval of the ALC for an exclusion/inclusion impacting the property. The new opinion indicates that the land is capable of supporting an agricultural use, but that the inadvertent extension of the campground into this area would not pose any interference with any future agricultural use. He indicates that the campsites have been simply created by vegetation removal and application of a layer of gravel surface, which could be easily removed back to the native soil layer.

The opinion also notes that if agricultural activities were occurring on the site and Farm Classification for the property were achieved, the current application would not be required because the use would be permitted.

The ALC has reviewed a previous application involving this property in 2009. The application was to exclude a portion of the subject property from the ALR, and to trade-off inclusion of another area to support a subdivision application to create a separate lot consisting of the land within the ALR. While the ALC supported the application, it affirmed that the area where the proposed lot is located has agricultural capability and is suitable for agricultural use. The owner did not pursue the subdivision application at the time, due to Ministry of Transportation and Infrastructure (MoT) requirements with respect to Ross Creek. Essentially, the MoT wanted the CSRD to become the dyking authority for a section of dyke constructed by the MoT to protect their bridge over Ross Creek from debris flow and avulsion. By policy the CSRD declined, and the subdivision remained incomplete.

Another previous application in 2013, was for another subdivision and non-farm use. The proposal was to subdivide off a 1.0 ha portion of the ALR portion of the property and to donate the land to the CSRD for a firehall. The application was approved by the Board and the ALC. The subdivision was never finalized for the same reason as above.

The issue of land use in the context of the OCP and Magna Bay Zoning Bylaw are a little more complicated, however. The SSA designation which supports a commercial use does not expand into this area. Neither does the GC zone, and the current A zone does not permit the commercial campground

use, even if it were to be approved by the ALC. For these reasons the owner will need to apply for an OCP/rezoning amendment to allow this incursion.

SUMMARY:

Development Services staff is recommending approval of the application for non-farm use in the ALR for the following reasons:

- The non-farm use only impacts 0.2 ha of the area in the ALR, and would be permitted if the property were farmed;
- The area is not extensively developed and would be relatively easy to rehabilitate for agricultural purposes;
- The OCP supports agri-tourism and agri-accommodation operations in the ALR; and,
- The agrologist opinion backs the application.

Staff are concerned that the non-farm use of the incursion area does not comply with the OCP designation and current zoning, but are reasonably satisfied that should the ALC support the application, an application will be made by the owner to deal with this non-conformity.

IMPLEMENTATION:

If the ALC allows this application, the owner will apply for a redesignation and rezoning of the 0.2 ha portion of the subject property. If the redesignation and rezoning is successful, the entire site development will conform with CSRD regulations.

COMMUNICATIONS:

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
2. Agricultural Land Reserve Use, Subdivision and Procedure Regulation, B.C. Reg. 171/2002
3. Electoral Area F Official Community Plan Bylaw No. 830
4. Magna Bay Zoning Bylaw No. 800

Report Approval Details

Document Title:	2018-01-18_Board_DS_LC2546_Isley.docx
Attachments:	- AGROLOGIST_report_OCT-30-2017_LC2546.pdf - Maps_Plans_LC2546.pdf
Final Approval Date:	Jan 4, 2018

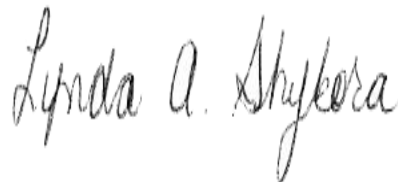
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Jan 2, 2018 - 3:04 PM



Gerald Christie - Jan 3, 2018 - 9:33 PM



Lynda Shykora - Jan 4, 2018 - 11:17 AM



Charles Hamilton - Jan 4, 2018 - 1:50 PM