



APC REPORT

TO: APC 'C'

FROM: Dan Passmore
Senior Planner

File No: LC2532C

Date: January 23, 2017

SUBJECT: Agricultural Land Commission (ALC) application
Section 21 (2) – Subdivision in the Agricultural Land Reserve (ALR)
Kahn Whitehead
LS 16, Section 5, Township 23, Range 9, West of the 6th Meridian, Kamloops
Division Yale District

SHORT SUMMARY:

The owner would like to subdivide the property into 4 parcels (3 new lots + remainder). The proposed 3 new lots would be 1.0 ha. (2.47 ac) and the remainder would be 12.0 ha. (29.65 ac), and some area would also be required for road dedication. This property is partially within the ALR. Approval of the Agricultural Land Commission is required.

BACKGROUND:

Location: The 16.24 ha. (40.13 ac) subject property is located at 4717 and 4719 Eagle Bay Road.

Site Comments: The property proposed to be subdivided is only currently accessible from Galligan Road in its southeast corner. Galligan Road is a mostly undedicated road which extends north from and intersects with Eagle Bay Road. The proposed new 1.0 ha lots in the northeast corner of the property would require dedication of an extension a road road to the north and west, where an existing driveway is situated. These access and road dedication issues would be dealt with in some future subdivision application, but it is relevant to comment on the need for highway frontage as the dedication of road in the subdivision will impact ALR lands.

The property slopes gently down from the southwest to the northeast. The area where the 3 new lots are proposed istreed with some pasture areas interspersed. The reminder lot feaures 2 houses with a number of accessory buildings, and the area around the homes is used for forage crop production.

The area of the proposed 3 new lots is mostly out of the ALR, except for a portion of proposed Lot 3. The applicant has been advised by CSRD Development Services staff that an application to subdivide in the ALR would not be required if the proposed subdivision were to occur only on the non-ALR portion of the property.

The property has a hydro Right-of-Way (Plan A12144) impacting a 2.95 ac. area where the subdivision is proposed to occur. This same reference plan (A12144) is also referenced in an easement registered against LS 16 granting right of access to the owners of Whitehaven Beach properties a 17 unit shared-interest development to the north of the subject property. A small portion of the subject property (0.065 ha, described in DF W27798) was expropriated for highway (Galligan Road) in 1984 in the southeast corner of the property.

Land Interests in the Community: The owners own LS 9 to the south and LS 15 to the west.

Soils Capability:

Canada Land Inventory mapping indicates that the subject property is divided into two different soil capability ratings. These are described below. It is noted that improved ratings are based on irrigation.

4	3	3	
2 D	- 3 D	- 4 D	
	T	T	

Soils through 85% of the property are 40% Class 2, 30% Class 3, and 30% Class 4. The major limiting factor is soil density (undesireable soil structure), with topography as a minor limiting factor. The soil is not improveable.

8	2	
7 T	- 6 T	
C	P	

Soils in the remaining 15% portion of the property are 80% Class 7 with topography and adverse climate limitations, as the major and minor limitations and 20% Class 6 with topography and stoniness limitations. The soil is not improveable.

History: There have been some ALC applications made in the area. See ALR/History Map.

- #1009 (1975) approved a subdivision to occur along the ALR boundary to create 2 separate lots.
- #1054 (1975) refused subdividing 3 new lots north of Eagle Bay Road, because the farm unit would be destroyed. Reconsidered and permitted subdivision to occur along Eagle Bay Road.
- #1162 (1975) refused 8 lot subdivision because there is a fairly good potential for agriculture and the ALC wishes to retain larger parcels because it increases the likelihood of making them viable.
- #1499 (1978) refused a subdivision because of high agricultural capability.
- #1653 (1980) refused a proposed subdivision to create 4 new lots of approx.. 0.4 ha. each.
- #1845 (1982) refused 2 lot subdivision because the land has potential for agriculture.
- #2140 (1993) refused non farm use for a 9 hole golf course.
- LC2242 (1999) refused permission to develop an 18 hole golf course, driving range, and other recreation oriented facilities on the property. Non-farm use would compromise the favourable agricultural capability of the property. (2001) refused reconsideration because of the good agricultural capability of the properties. (2002) allowed an 18 hole golf course, clubhouse, driving range and other recreation facilities.*
- LC2334 (2006) refused subdivision of 3 lots from 14ha on the grounds the production area of the property would be severed into three parts, thus reducing the agricultural potential of the land and narrowing the agricultural options.

* Applicant supplied an extensive soils review report, dated February 1, 2002 which indicated that CLI soil ratings on site were incorrect. Findings indicate that 23.4 ha or 51.9% is Class 4, 20.7 ha, or 45.9% is Class 5, 0.6 ha, or 1.3% Class 6, and 0.4 ha or 0.9% Class 7. The report noted the unavailability of irrigation water, and the marginal improvements that irrigation water would engender. Similarly, stone removal would not provide any significant improvement in the range of crops. The report notes the presence of heavy clay soils. Crop production would be limited to forage crop production, which would be in line with the proposed golf course use.

POLICY:

Policies that relate to this application include the following:

Electoral Area 'C' Official Community Plan Bylaw No. 725*Section 3.10 Agriculture (AG)**3.10.1 Policies*

- .1 The lands designated as Agriculture (AG) are shown on Schedules B and C. In general these are lands with half or more of their area lying within the Provincially designated Agricultural Land Reserve at the time of writing of this Plan. Land lying within the Agricultural Land Reserve is identified on Schedule E – ALR Map. 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.
- .2 The minimum parcel size of land for subdivision within the Agricultural land use designation is 60 hectares (148 acres).
- .3 New subdivision is discouraged within the Agriculture designation, other than subdivision along ALR boundaries or subdivision or parcel consolidations demonstrated not to have an intrusive or conflicting impact on the surrounding agricultural community.
- .4 The Agriculture land use designation encompasses agricultural uses, and uses accessory to agriculture. Subject to the guidelines of the Agricultural Land Commission and the zoning bylaw the following uses are appropriate in lands designated Agriculture: agri-tourism operations and agri-accommodation, and uses which will not affect the long-term agricultural capability of the land.

3.14 Golf Course (GC)*3.14.1 Policy*

The Golf Course designation recognizes existing golf courses in the plan area. New Golf Courses may be considered through individual rezoning applications. Any residential or commercial components must conform to the residential and commercial policies of this plan, and other policies of the plan that may be applicable to the proposal.

The property would need to be re-designated in order to allow for the proposed subdivision.

South Shuswap Zoning Bylaw No. 701**3.2 Agricultural Land Reserve**

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 Act, regulations and orders of the Agricultural Land Commission (thereby not permitting the subdivision of land nor the development of non-farm uses unless approved by the Agricultural Land Commission).

Section 27 – GC – Golf Course Zone

- 5.1 The following uses and no others are permitted in the AR1 Zone:

- .1 golf course including driving range;
- .2 clubhouse as an accessory use to the golf course;
- .3 accessory recreational facilities;
- .4 agriculture, permitted only on those parcels within the Agricultural Land Reserve;
- .5 accessory use.

Minimum parcel size for subdivision is 25 ha.

The property would need to be rezoned in order to allow for the proposed subdivision.

LIST OF REPORT(S) / DOCUMENT(S):

1. Maps: Location, Site Plan, OCP/Zoning, Soils, ALR History, Orthophotograph	Attached to APC report: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>
2. Application	Attached to APC report: <input type="checkbox"/>	Available from Staff: <input checked="" type="checkbox"/>

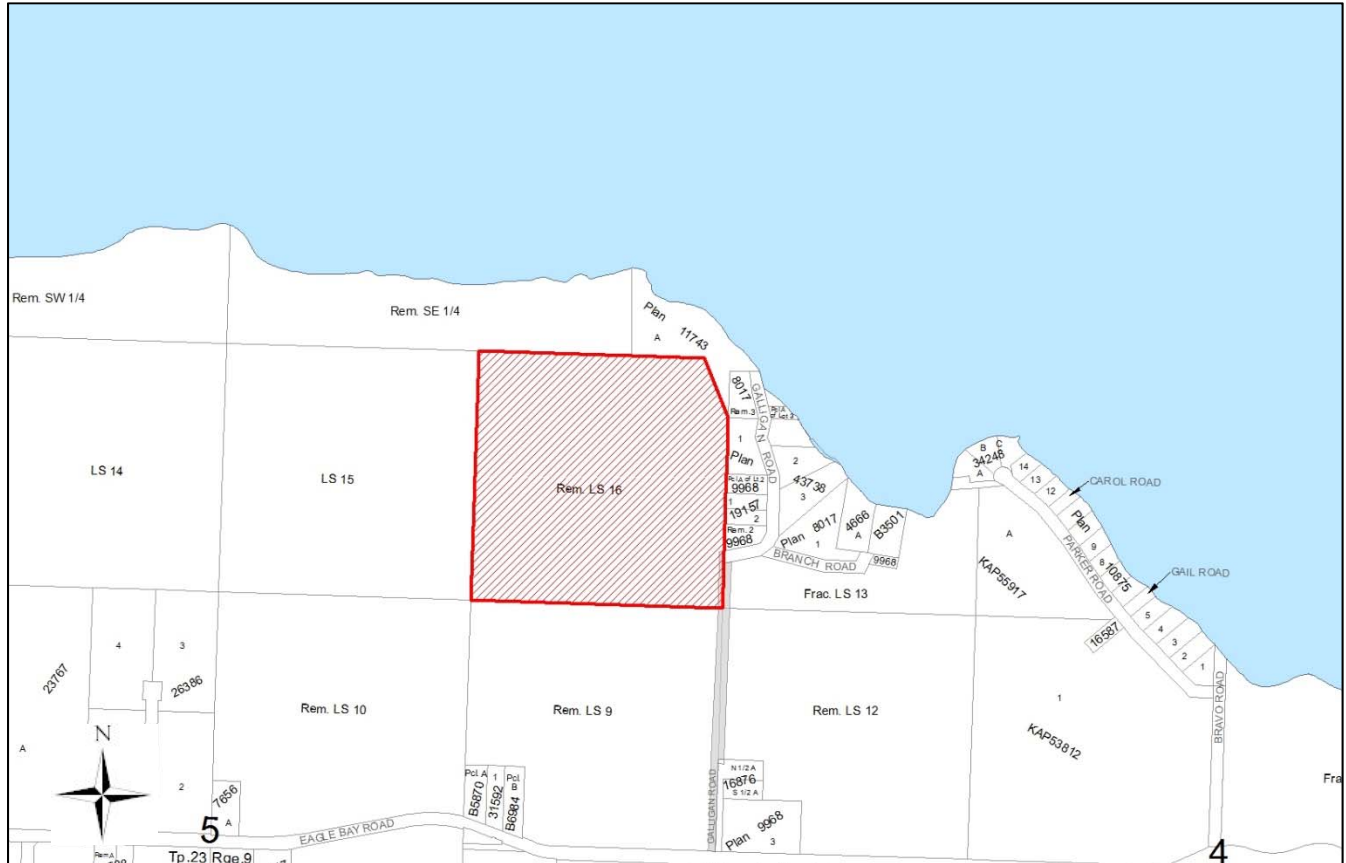
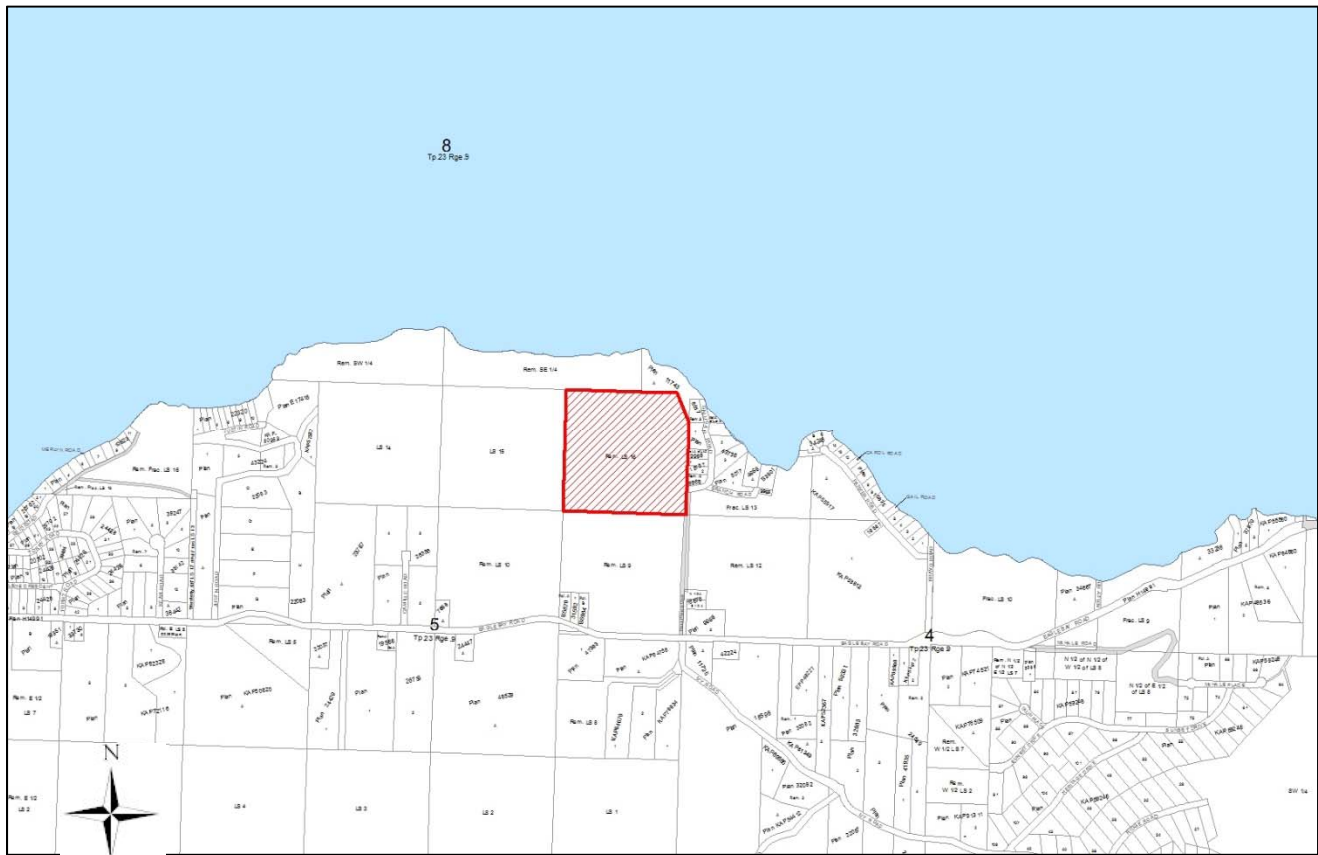
COMMUNICATIONS:

This application has been referred to APC 'C'.

Respectfully submitted,

Dan Passmore
Senior Planner

Location



Proposed Subdivision Plan

NOV 15 2016

Posting Plan

L.S.9, L.S.16,

Sec.5, Tp.23, R.9, W6M, K.D.Y.D.

Except Plans B5870, B6984 and H14991.

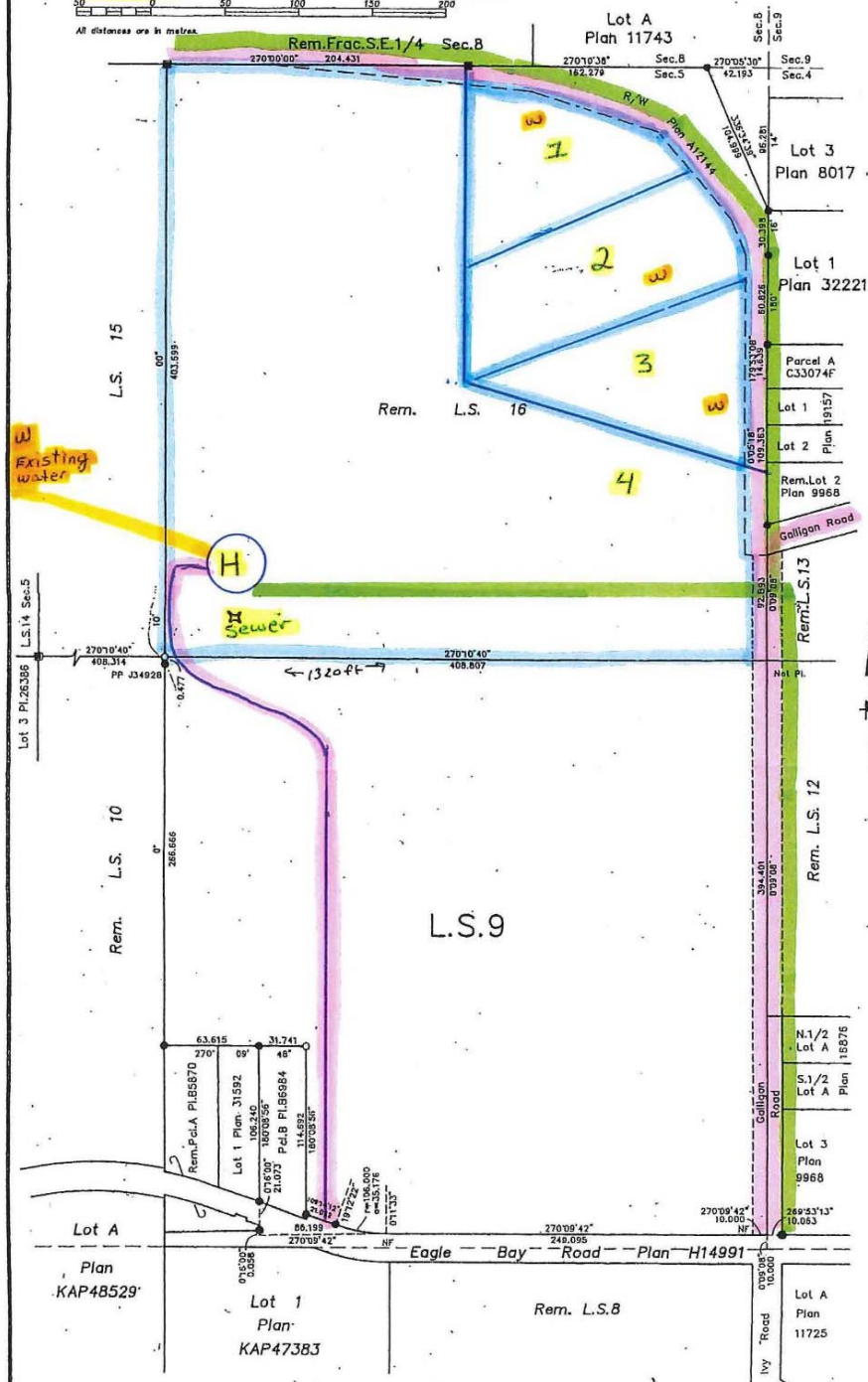
Scale 1:2000

B.C.G.S.82L.094

Plan No. KAP

Deposited in the Land Title Office at Kamloops
this ... day of ... 19 ..

Regi.



LEGEND

Bearings are astronomic and are derived from Plan A12144.

- Standard Iron Post Found
- Standard Iron Post Placed
- Old Pattern Dominion Iron Post Found

This plan lies within the Columbia-Shuswap Regional District.



I, Brian D. Sansom, a British Columbia land surveyor of the District of Salmon Arm in British Columbia certify that I was present at and personally intended the survey represented by this plan, that the survey and plan are correct. The survey was completed on the 5th day of February, 2016.

BROWNE, JOHNSON & ASSOCIATES
B.C. LAND SURVEYORS,
SALMON ARM, B.C.

Existing Roads
Subdivision outline
Proposed water wells
Hydro lines

Plan Showing Topographical Features

Postin Plan
L.S.9, L.S.16.

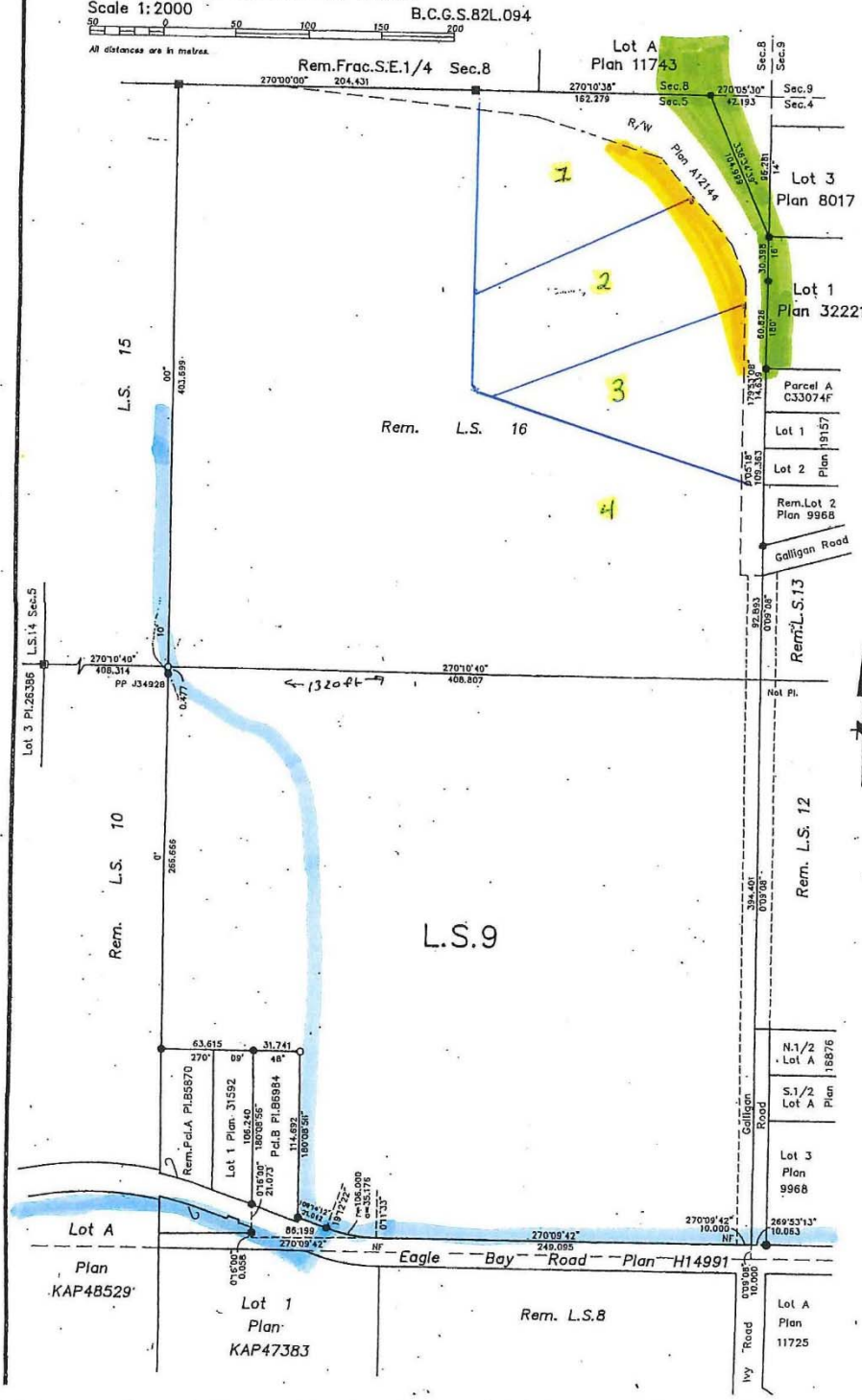
Water Courses and Slopes N 15 2016

Plan No.KAP

Sec.5, Tp.23, R.9, W6M, K.D.Y.D.
Except Plans B5870, B6984 and H14991.
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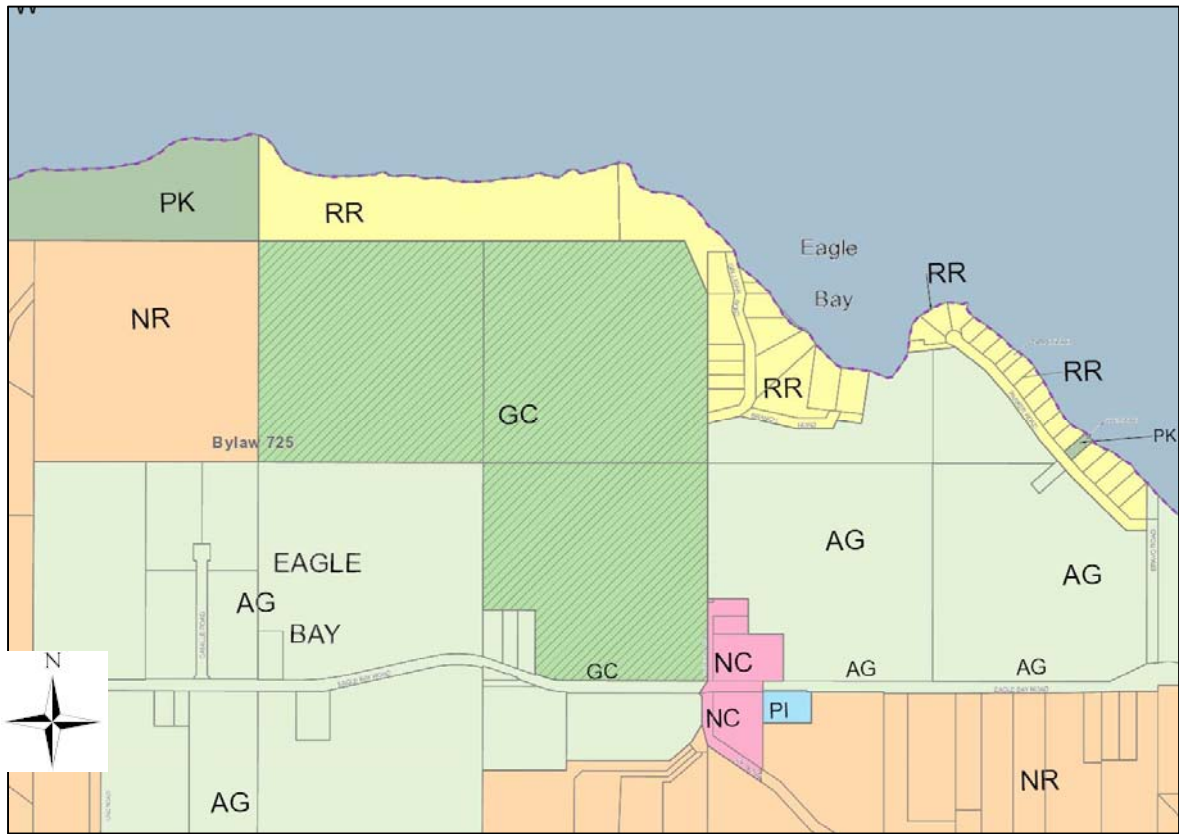
BROWNE, JOHNSON & AS
B.C. LAND SURVEYORS,
SALMON ARM, B.C.

Water courses
Slopes
Steep Grades

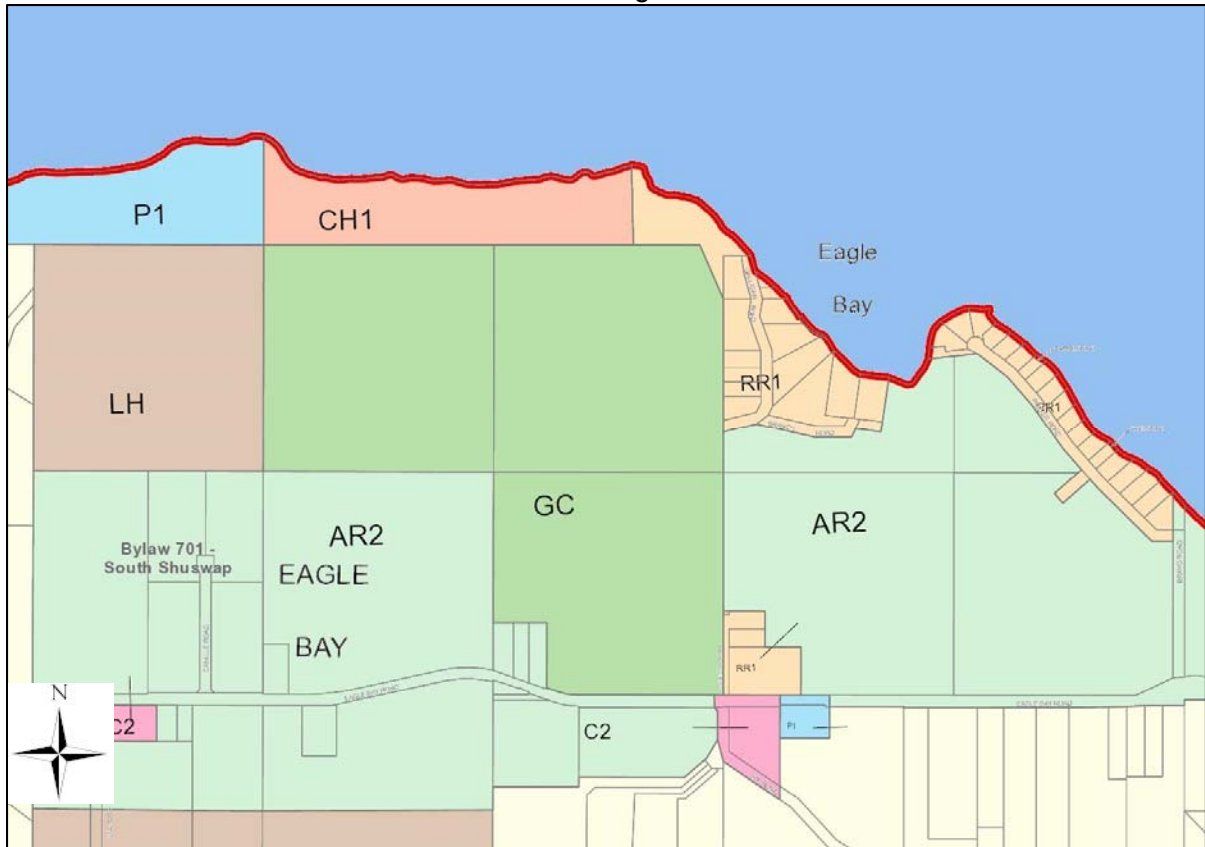
Proposed Subdivision Plan



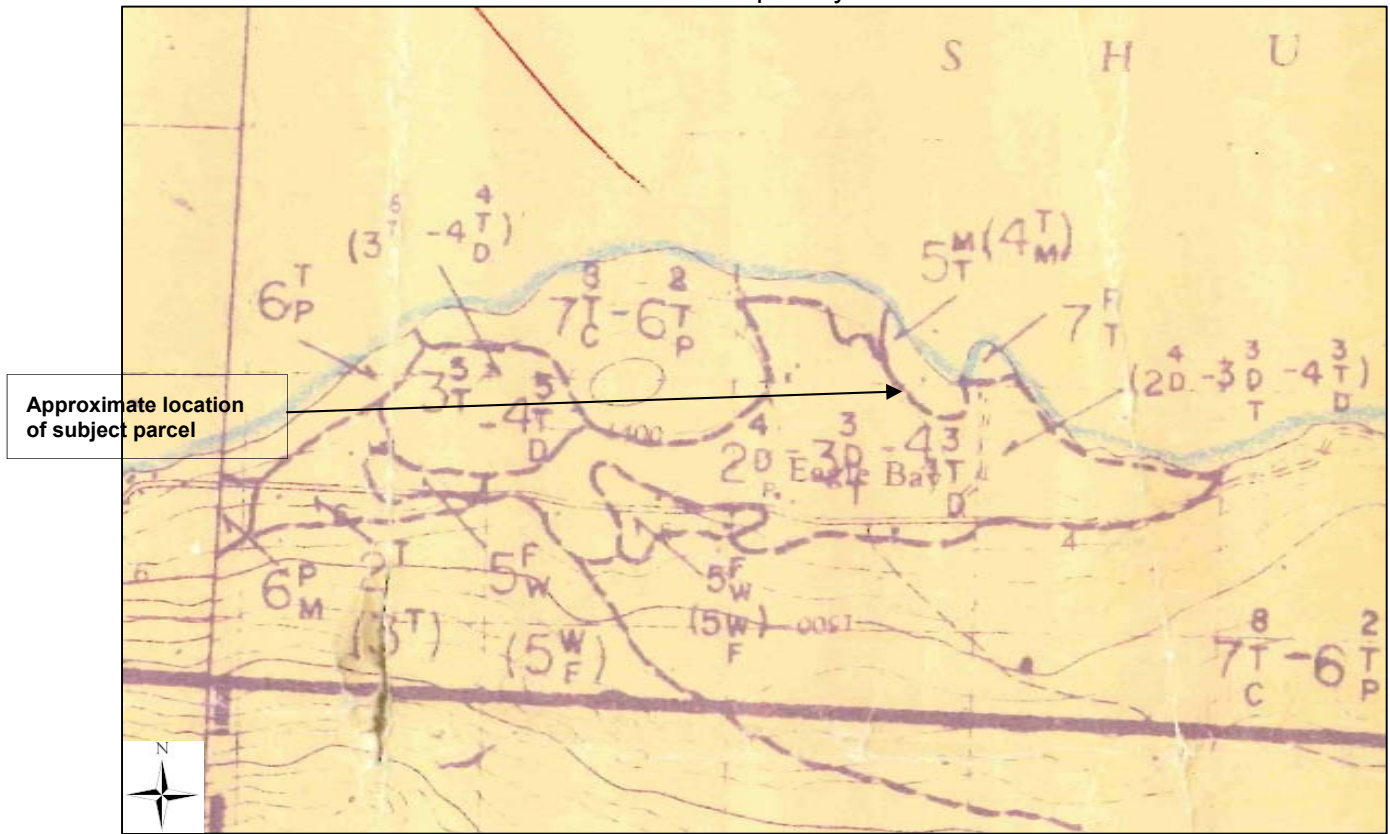
OCP



Zoning



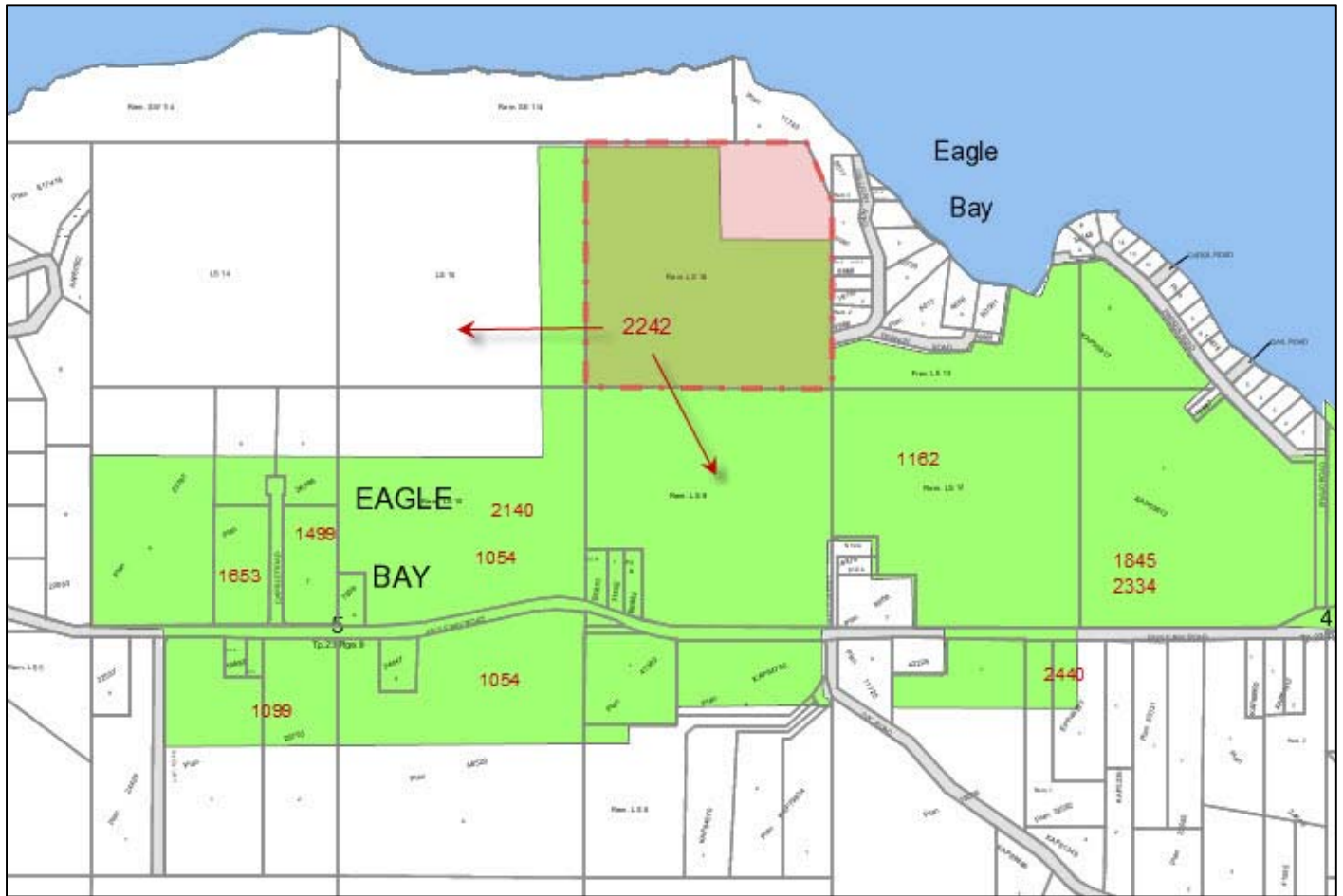
Soil Capability



Orthophotograph



ALR History



*Numbers on map refer to historic application numbers as noted in the report.