



Staff Report
Application # H – 37387
Applicant: Arrow Lakes Development Ltd.
Agent: Lindsay Moir
Location: Galena Bay

DATE RECEIVED: April 27, 2007

DATE PREPARED: September 17, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To exclude 28.7 ha of the 53 ha subject property to develop a 52-lot residential subdivision with lots ranging in size from 0.4 ha to 2 ha. The remainder of the property will be developed as a park.

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The applicants have stated that a restrictive covenant will be placed on the property to ensure that development will be restricted to the 52-lot proposal. A boat ramp, waste management structure, step septic system, maintenance building, and wood shed will be constructed in association with the proposed development.

An agricultural capability and suitability assessment was prepared in November 2006 by Mike Doggart, P.Ag. and David Struthers, P.Ag. The conclusions drawn from the report are that there is no farming with 50 kilometres of the subject property, the soil is poor, logistics and capital are a problem, and neighbour conflicts are likely from farming.

Local Government:

Columbia Shuswap Regional District (CSR D)

Legal Description of Property:

PID: 011-096-543
District Lot 8682, Kootenay District, EXCEPT 1) Parcel A (Sketch Plan 4180I) and 2) Parts included in Plans 7630 and 10512

Purchase Date:

April 30, 2007

BACKGROUND INFORMATION (continued):

Location of Property:

Galena Bay

Size of Property:

53 ha (approximately 49 ha are in the ALR, the 4 ha waterfront area is not in the ALR).

Present use of the Property:

Logged (in 1994), abandoned ATCO trailers/machinery/equipment, one small cabin in the northwest corner.

Surrounding Land Uses:

WEST: Upper Arrow Lake
SOUTH: Cabin, treed
EAST: Cabin, treed
NORTH: Cabin, treed, logged

Agricultural Capability:

Data Source: Agricultural Capability Map # 82K/12
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

The CSRD Board has initiated a planning program for Electoral Area 'B' to enact an Official Community Plan and a zoning bylaw to follow shortly thereafter.

PREVIOUS APPLICATIONS:

Application #25648-0

Applicant: Eternal Green Producers

Decision January 14, 1992

Date:

Proposal: To establish a college and research health centre on the 53 ha subject property. The development would include a main building (60 bedrooms, 2 kitchens, 2 dining rooms, meeting rooms and offices), residences for staff, a greenhouse, a machine/equipment shelter, animal barns and a hay barn.

Decision: Refused as submitted but would allow the specific use of the subject property for an agricultural school subject to:

1. Total parcel coverage of all buildings and structures does not exceed 5%.
2. Natural vegetation buffer is maintained to minimize conflicts with abutting agricultural potential to the north and east.
3. The owner of the property enter into a restrictive covenant with the ALC that the use of the education facilities be limited to an agricultural orientation.

Application #25648-1

Applicant: Eternal Green Producers

Decision March 27, 1992

Date:

Proposal: That the Commission reconsider approving this application as the agricultural capability is severely limited or non-existent as per Mr. Pringle's onsite and that it does in fact have the support of the CSRD.

Decision: Allowed subject to:

1. Total parcel coverage of all buildings and structures does not exceed 5%.
2. Natural vegetation buffer is maintained.

RELEVANT APPLICATIONS:

There have been numerous subdivision and exclusion applications in this area. Typically the subdivision requests have been to create one new lot (exception listed below) and have been allowed. The exclusion applications have been for relatively small lots (i.e. 0.3 ha) and have typically been allowed.

Application #02516-0

Applicant: McNabb, K.J.
Decision Date: March 3, 1977
Proposal: To subdivide DL 8684 into 51 lots.
Decision: Allowed subject to the subdivision not impacting the proposed spawning channel on Hill Creek.

Application #16371-0

Applicant: Galena Bay Development Corp
Decision Date: October 19, 1983
Proposal: To subdivide the 64 ha subject property into 15 lots.
Decision: Refused as proposed but would allow limited subdivision into lots not less than 4.0 ha subject to the concerns of the R.D. and Health.

Application #32796-0

Applicant: Galena Bay Development Corp
Decision Date: December 13, 1999
Proposal: To exclude the property in order to develop it for seasonal recreational purposes.
Decision: Allowed in view of previous Commission decision (see application #02516)

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Columbia Shuswap Regional District Board: Forwarded the application with a recommendation of refusal. In light of the new OCP and zoning bylaw for an area which has not had any regulation in the past, the Board has recommended that the application be refused.

OTHER COMMENTS:

Letters were received from a number of interested parties. Those in favour of the proposed exclusion (7 letters) cited reasons such as:

- The property is not suitable for agricultural purposes.
- There is no active farming in the area.
- The development to the north has 18 small lots that have not been detrimental to the community.

Those opposed to the proposed exclusion (22 letters) cited reasons such as:

- The land has agricultural capability.
- When the area was first settled, it became a close-knit farming community. Fruits and vegetables were grown on lots to the north (Lot 2111) and to the south (Lot 2110).
- Possible agricultural uses for the property include agroforestry or a market garden.
- Planning for the area has not been completed.
- Impact on groundwater.

STAFF COMMENTS:

A site visit would assist the Commission in determining what impact the proposed exclusion and park development would have on agriculture both on the subject property and the surrounding area.

ATTACHMENTS:

- ALR map (82K/12)
- Base map
- Air photo
- Agricultural capability map
- May 15, 2007 letter from Lindsay Moir
- Powerpoint presentation from Lindsay Moir
- CSRD Information sheet
- Excerpt from Agricultural Capability Report (supplied by applicant)

END OF REPORT

Signature

Date