

Request for Decision ALR Non-Farm Use Application

File No: P 722 233
Reference: 66729
Date: April 11, 2023

Subject: ALR Non-Farm Use (Elko / EarthRite Industries Ltd.)
Applicant: EarthRite Industries Ltd.
Agent: Kris Pickering
Location: 8891 Burton Lake Road, Elko
Legal: Remainder of Lot 1, DL 4589, Plan 2915 (PID: 014-222-892)

Proposal: Application to permit 64 campsites on ALR land within a 134 campsite campground (the other 70 campsites in the campground are on land outside the ALR). The ALR Non-Farm Use request also includes a provision for utility services and portions of access roads on ALR land.

Options:

1. THAT the Agricultural Land Commission be advised the RDEK supports the EarthRite Industries Ltd. ALR non-farm use application to permit 64 campsites, some utility services and portions of the access roads on ALR land within the EarthRite Industries Ltd. property located at 8891 Burton Lake Road in Elko.
2. THAT the Agricultural Land Commission be advised that the RDEK recommends that the EarthRite Industries Ltd. ALR non-farm use application to permit 64 campsites, some utility services and portions of the access roads on ALR land within the EarthRite Industries Ltd. property located at 8891 Burton Lake Road in Elko, be refused.
3. THAT the Agricultural Land Commission be advised the RDEK supports the EarthRite Industries Ltd. request to permit utility services and portions of the access roads on the ALR land within the EarthRite Industries Ltd. property at 8891 Burton Lake Road in Elko; and further, that the RDEK does not support the request to expand the campground by an additional 64 campsites onto ALR land.

Recommendation: Option 1

A Qualified Professional has reported that the proposed campground is unlikely to negatively impact the productive capacity, day-to-day operational management, or access to resources or markets of other agricultural operations in the area. As the land is not zoned and not within an OCP; there are no zoning regulations or OCP policies to guide development decisions.

Property Information:

OCP Designation: No OCP

Zoning Designation: Unzoned

Regional Sustainability Strategy:

- ALR boundary review processes and delegated decision-making agreements are supported.
- Third party access to and use of fallow agricultural lands is supported.

**Property
Information –
cont'd:**

- Capable and suitable farm and range lands should be retained whenever possible.
- The RDEK will work to ensure that:
 - a) All private land in the RDEK is covered by an Official Community Plan and zoning bylaw; and
 - b) Official Community Plans, land use and other development regulations are regularly reviewed in order to implement best practices and refresh the community's vision.
- Avoid development on hazardous, environmentally sensitive and agricultural lands; or, if this cannot be avoided, ensuring that the developer provides appropriate mitigation or compensation for the impact of the development as part of the approval process.

Parcel Size:

Total parcel area: 16.1 ha (39.8 ac)

Portion of property within the ALR: 5.9 ha (14.5 ac)

Portion of ALR land used: approx. 2.4 ha (5.9 ac)

Interface Fire Hazard Rating: Ranging from low to high; within the Elko fire protection area.

Water / Sewer Services: Community Water and Community Sewer are proposed. A letter from Bryan Desmet, P.Eng., from SD Consulting in Canmore AB, states that the water and sewer systems will be designed and constructed in accordance with BC provincial regulations.

**Professional
Reports &
Agricultural
Capability
Ratings:**

A detailed Soil and Agricultural Capability and Suitability Assessment was completed by VAST Resource Solutions in August of 2022 and the report was submitted with the application.

With regards to Agricultural Capability Ratings, the report states that:

- Both the improved and unimproved soil moisture deficiency classification is Class 5A due to the lack of access to irrigation water.
- The unimproved rating for fertility is Class 4F; and the improved rating (assuming intensive and judicious applications of fertilizer and/or other soil amendments) is 2F.
- The overall property-wide average unimproved and improved rating for stoniness is 5P (5P) because of the prevalence of gravel-sized coarse fragments which are impractical to remove.

This report also states that:

- The most suitable soil-bound agricultural use for the Property is low intensity, low carrying capacity seasonal livestock grazing of existing (i.e. unimproved) grass/forb vegetation.
- Intensive operations such as feedlots, hog or poultry barns, or mushroom barns, are not appropriate for the Property due to the rapid soil drainage characteristics and proximity to existing rural residential properties.

**Professional
Reports &
Agricultural
Capability
Ratings - cont'd:**

- Greenhouses and/or potted nursery stock could be established however, a suitable source of irrigation water would be required, as well as fertilizer and other soil amendments and inputs.
- No apparent economic, logistical or market advantages are associated with developing non-soil-bound agricultural enterprises on the Property.

The report concludes that:

- Developing the proposed campground/RV park is unlikely to negatively impact the productive capacity, day-to-day operational management, or access to resources or markets of other agricultural operations in the area.
- The property has an unimproved agricultural capability of Class 5 due to stoniness and soil moisture deficiency resulting from the combined effects of insufficient growing season precipitation, high seasonal evaporation losses, and low available water storage capacity of the soil. Improvements are not considered feasible; the improved capability is equivalent to the unimproved.
- Suitable soil-bound uses are generally restricted to low intensity, low carrying capacity seasonal livestock grazing.
- Suitable non-soil-bound agricultural uses include greenhouses, potted nursery stock and indoor cannabis production facilities. Intensive uses such as livestock feedlots, hog or poultry barns, or mushroom barns are inappropriate.

**Additional
Information:**

- As the parcel is unzoned, under the *Agricultural Land Commission Act* the application must be forwarded to the ALC for consideration regardless of whether the proposal is supported by the Board of Directors.
- Campground Permit No. 1-22 has been issued which authorizes construction of the portion of the campground lying outside the ALR. The permit does not authorize any construction within the ALR portion of the property.
- The application states that each campsite will have water service, sewer hookup and electricity.
- Some of the attachments with the application were prepared prior to the applicant finalizing their proposed total number of campsites. The final total number of campsites proposed is 70 campsites on non-ALR land and an additional 64 campsites on ALR land (if permission is granted by the ALC).
- A Private Landowner ALR Exclusion Application request has been received for the subject property. These applications are processed once per year, as such it will be processed in August 2023 along with any others received by that time.
- The property was neither identified nor supported for exclusion during the Area B ALR Boundary review process.

Consultation: **APC Area B:** That the ALR non-farm use be supported for the septic system & gravity fed line only and that the ALR non-farm use request to allow 64 additional campsites be refused.

**Documents
Attached:**

- Location & ALR Boundaries Map
- Land Use Map
- Agricultural Capability Map and Key
- Aerial Photo
- Proposed Plans from Applicant
- Excerpts from VAST Report
- Letters from the Public
- Additional Letters from the Public

**RDEK
Contact:**

Tracy Van de Wiel, Planning Technician 2
Phone: 250-489-0311
Email: tvandewiel@rdek.bc.ca