



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

April 7, 2009

Reply to the attention of Brandy Ridout
ALC File: **G-38711**

Jack and Marion McCarthy
9989 Bottom Woodslake Road
Winfield, BC V4Y1T1

Dear Mr. and Mrs. McCarthy:

Re: Application for No-Farm Use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #94/2009 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the 'Per:' label.

Erik Karlsen, Chair

Enclosure: Minutes

cc: District of Lake Country (ALR2008-004)

BR/
i/38711d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 24, 2009 in Vernon, BC.

PRESENT:	Roger Mayer	Chair, Okanagan Panel
	Gerald Zimmermann	Commissioner
	Brandy Ridout	Staff
	Martin Collins	Staff

For Consideration

Application: #G-38711
Applicant: Jack and Marion McCarthy
Proposal: To use a portion of the 9.7 ha property as a golf driving range.
Legal: PID: 012-322-768
Lot 42, District Lot 118, Plan 457, EXCEPT Plans A339 and 36673
Location: Meadow Road, District of Lake Country

Site Inspection

A site inspection was conducted on March 24, 2009. Those in attendance were:

- Roger Mayer Chair, Okanagan Panel
- Gerald Zimmermann Commissioner
- Brandy Ridout Staff
- Martin Collins Staff
- Marion McCarthy Applicant

Mrs. McCarthy confirmed that the staff report dated March 3, 2009 was received and indicated that the property was 9.7 acres (3.9 ha), not 9.7 ha as indicated in the report.

The history of the property, the temporary nature of the proposal, the fact that it would only require a portion of the property and the remainder would be gradually planted, and Mrs. McCarthy's intention to revert the entire property to agricultural use as soon as possible were all discussed.

The Commission noted that a concrete pad had been extended from a building foundation in the location that was proposed for tee-off boxes.

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

Discussion

Assessment of Agricultural Capability

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the subject property is approximately half 70% Class 2 with a limitation of soil moisture deficiency and 30% Class 3 with limitations of soil moisture deficiency and excess water. The other half is Class 2 with a limitation of soil moisture deficiency.

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Assessment of Agricultural Suitability

The Commission assessed whether factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are factors that render the land unsuitable for agricultural use.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission understood that the proposal was temporary in nature and that the applicants intended to ultimately use the whole property for agriculture. However, the Commission believes that the land has good agricultural capability and should remain available for agricultural use in its entirety.

The Commission also recalled that it had previously refused the proposal to use a portion of the property as a driving range, stating that the use was not consistent with the aims of the Act and because it would destabilize surrounding ALR.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will have a negative impact on agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Zimmermann

SECONDED BY: Commissioner Mayer

THAT the application to use a portion of the 9.7 ha property as a golf driving range be refused on the grounds that the land has good agricultural capability and should remain available for agricultural use in its entirety.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- S.33 (1) *On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that*
- (a) evidence not available at the time of the original decision has become available,*
 - (b) all or part of the original decision was based on evidence that was in error or was false.*
- (2) *The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED

Resolution #94/2009