



Agricultural Land Commission
133-4940 Canada Way
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www.alc.gov.bc.ca

January 30, 2013

ALC File: #51612

Mark Koch
Director of Planning and Development
District of Lake Country
10150 Bottom Wood Lake Road
Lake Country, BC
V4V 2M1

Dear Sir:

Re: **Reconsideration of Application for Non-Farm Uses in the Agricultural Land Reserve (ALR)**

Please find attached the Minutes of Resolution # 4/2013 as it relates to the above noted application.

Further correspondence with respect to this application should be directed to Ron Wallace.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure(s): Minutes of Resolution #4/2013

MC/51612d2



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A meeting was held by the Provincial Agricultural Land Commission on January 22, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to the Request for Reconsideration of Application #51612.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner

COMMISSION STAFF PRESENT:

Martin Collins	Regional Planner
Colin Fry	Executive Director

REQUEST FOR RECONSIDERATION

The Commission received a letter dated November 29th, 2012 requesting reconsideration of its decision recorded as Resolution #2360/2010, by which, the Commission allowed the use of 1 ha of a 1.7 ha ALR parcel for a firehall site subject to; drainage improvements on a 2.5 ha non ALR area of PID 010-842-047 and the inclusion of the 2.5 ha area into the ALR.

Proponent: District of Lake Country
Original Proposal: To use 1 ha of a 1.7 ha property (PID 012-394-777) to replace an aging firehall.

(Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

Original Decision: Refuse as proposed

First Reconsideration: Allow firehall use on 1 ha subject to drainage improvements (as proposed by the District of Lake Country) on a non ALR portion of an 8 ha lowland ALR property elsewhere in the District, and the inclusion of the improved 2.5 ha area into the ALR. The 8 ha inclusion property lies mostly in the ALR (5.5 ha) and is not owned by the District. The inclusion was not originally suggested by the District.

Current Request: Although drainage improvements are completed, the landowner is not supportive of the proposed inclusion. The District is reluctant to proceed with inclusion against the landowner's wishes. In addition the District is currently undertaking enforcement action against the landowner regarding an illegal model airplane use on the property.

Legal: Firehall Site PID: 012-394-777 Lot 97, Sec. 15, Twp. ODYD, Plan 444
Inclusion property: PID 010-842-047 Part of Lot 28 lying.....

Location: Lodge Road, District of Lake Country

LEGISLATIVE CONTEXT FOR COMMISSION RECONSIDERATION

Section 33 (Reconsideration of decisions) of the *Agricultural Land Commission Act* states:

- 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.
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DECISION REGARDING THE REQUEST FOR RECONSIDERATION

The Commission believes that the applicant has provided evidence that was not available at the time of the previous decision.

As a result, it was moved by Commissioner J. Thibeault and seconded by Commissioner J. Dyson that there were no persons affected by the reconsideration and that the Commission reconsider Resolution # 2360/2010. The motion was carried unanimously.

COMMISSION CONSIDERATION

After considering the following new information the Commission concluded as follows:

1. The District has completed the drainage improvements required by Resolution #2360/2010. A report dated July 25, 2012 by Bob Holtby P. Ag. of Regency Consultants Ltd. confirms that the proposed drainage improvements are completed.

Conclusion: The drainage improvements will help extend the growing season on easterly edge of PID 010-842-047 and represent an agricultural benefit.

2. The Commission assessed the impact of not including 2.5 ha of the 8 ha parcel into the ALR. The 2.5 ha area proposed for inclusion was identified in previous planning reviews as being suitable for inclusion (based on soil capability information) and the completed drainage improvements further enhance the land's agricultural capability. In addition, if the 2.5 ha area is not included into the ALR it is possible that it could be subdivided for rural residential or other non farm uses, potentially reducing its agricultural utility. The land's non ALR status, notwithstanding its current OCP designation for "Agriculture", does place it at potential risk for non-farm uses, should Council amend its current bylaws.

Conclusion: If the land is not included into the ALR, there is potential for subdivision and/or non farm use of the 2.5 ha area, and the erosion of its agricultural potential.

3. The Commission assessed the rationale provided by the District of Lake Country in support of its request. The District indicates that it currently is involved in enforcement action against the owner of PID 010-842-047 for the unauthorized operation of a model airplane flying club on the ALR portion of the property. The District cannot achieve voluntary compliance for inclusion and does not wish to complicate its enforcement action. The District indicates that its current bylaw designation(s) for agricultural uses on the 2.5 ha inclusion area, and its completed drainage improvements, reflect its long term commitment to maintain agricultural uses on the 2.5 ha area.

Conclusion: The Commission acknowledged the landowner's reluctance to support inclusion; the District's position pertaining to its enforcement action; and the current bylaw(s) support for long term agriculture uses on the 2.5 ha area. On balance, while still recognizing the potential risks associated with not including the 2.5 ha area, the Commission was prepared to release the District from the inclusion condition.

IT WAS

MOVED BY: Commissioner J. Thibeault
SECONDED BY: Commissioner J. Dyson

THAT the application to use 1 ha for a firehall be allowed, without the necessity of including 2.5 ha of PID 010-842-047 into the ALR.

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 # 4/2013