

May 15, 2008

#### **Agricultural Land Commission** 133–4940 Canada Way

Burnaby, British Columbia V5G 4K6

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Reply to the attention of Jennifer Carson ALC File: L-37918

Maurice Smith & Ardith LaFaver 3680 Sweet Road Elko, BC V0B1J0

Dear Mr. Smith and Ms. LaFaver:

Re: Application for Non-Farm Use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 245/2008 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of East Kootenay (P707-228)

Enclosure: Minutes

JC/37918d1

# A meeting was held by the Provincial Agricultural Land Commission on May 7, 2008 in Cranbrook, B.C.

PRESENT:

Monika Marshall

Chair, Kootenay Panel Commissioner

Carmen Purdy
D. Grant Griffin

Commissioner

Jennifer Carson

Staff

# For Consideration

Application:

# L- 37918

Applicant:

Maurice Smith & Ardith LeFaver

Proposal:

Non-farm use on the 5.6 ha subject property to create a rustic 50 unit campground utilizing approximately 2.2 ha at the rear of the two lots.

Legal:

1. PID: 011-138-955

Lot 2, Block 13, District Lot 132, Kootenay District, Plan 1181

2. PID: 011-138-998

Lot 3, Block 13, District Lot 132, Kootenay District, Plan 1181

Location:

3680 Sweet Road, Baynes Lake

# **Site Inspection**

A site inspection was conducted on May 7, 2008. Those in attendance were:

Monika Marshall

Chair, Kootenay Panel

Carmen Purdy

Commissioner

D. Grant Griffin

Commissioner

Jennifer Carson

Staff

Ardith LaFaver

Applicant

Maurice Smith

Applicant

The Commission met with Mr. Smith and Ms. LaFaver to discuss the application and view the property. Mr. Smith pointed out the property boundaries and explained that the machine work that he had done on the property was to create an access to the lower field proposed for the campground as well as to be able to see the type of soil underneath which he explained ranged from clay to sand. The Commission noted that this field is relatively flat. The applicants indicated that they have two good wells on the property. When discussing the proposed campground, the applicants explained that they would not allow quads on the campground and thus there would be minimal impact on the adjacent Crown lands.

#### 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 improved ratings for the agricultural capability of the soil of the subject property are:

- Class 3 Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.
- Class 4 Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.
- Class 6 Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

#### Subclasses

M soil moisture deficiency

T topography

# Assessment of Agricultural Suitability

The Commission assessed whether the external 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 external 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 discussed that the property has agricultural capability in its current state as the majority of the property is relatively flat and has access to water. The Commission believes the proposal would have an adverse impact existing or potential agricultural use of the subject property and surrounding lands.

#### **Assessment of Other Factors**

The Commission also noted that the local government did not support the application and that the AAC was concerned about the effects of the proposal on crown land grazing. Furthermore, the Commission notes that if the property has and maintains farm status it is permitted up to 10 seasonal sites under section 3(1) the Agricultural Land Reserve Use, Subdivision and Procedure Regulation.

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#### 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 adversely impact 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 Purdy

SECONDED BY:

Commissioner Marshall

THAT the application be refused.

CARRIED

Resolution # 245/2008