



**Agricultural Land Commission**  
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July 20, 2009

Reply to the attention of Brandy Ridout  
ALC File: #H-38912

Deb Biddiscombe (your file: 030300135)  
Focus Corporation  
420, 301 Victoria Street  
Kamloops, BC, V2C2A3

Dear Ms. Biddiscombe:

**Re: Application to Subdivide Land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution #401/2009 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Erik Karlsen, Chair

Enclosure: Minutes

cc: Regional District of Columbia Shuswap (LC2410C)

BR/  
i/38912d1



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**

The Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system indicates that the agricultural capability of the soil of the subject property is 40% Class 4TD, 40% Class 5MT and 20% Class 6TR.

#### Classes:

- Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.
- Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.
- 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
- R shallow soil / bedrock outcroppings
- T topography

### **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 believes that the historic recreational use of the property, both that which pre-dated the reserve and the current development, has compromised the suitability of the property for agricultural use. The presence of 11 residences and their associated utilities such as septic fields and driveways and the sale of a percentage of the property to individuals, have created challenges to the agricultural use of the property. However, if the property is to remain in the ALR, the Commission believes that it must remain as large as possible to allow the most options for agriculture.

### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. It noted that a campground had existed on the subject property when the ALR was established and this pre-existing use was recognized by the approval of a 40-unit campground to continue on the property and expand to an 80-unit campground. The subsequent approval to replace the campground with 10 summer homes was to allow the continuation of a recreational use of the property. The Commission did not believe that the previous approval contemplated the 'sale' of portions of the property to individuals, but rather was intended to allow the use of the property for summer cabins that would be owned by one individual and rented out for the summer, as the campground had been operated.

The Commission considered the request to subdivide the property into 11 lots to allow each 'owner' title to his/her own lot and was not prepared to support an essentially residential lot subdivision in the ALR. It believed that if subdivision was allowed, there

would be little realistic expectation for agriculture to take place on the resultant small lots. It believed that it is inappropriate to create small residential lots in the ALR.

### **Conclusions**

1. That the land under application has some, if limited, agricultural capability.
2. That the land under application has challenges to its suitability for agricultural use but is best retained in its current size to not further compromise its suitability.
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 Sidhu  
**SECONDED BY:** Commissioner Mayer

THAT the application to subdivide the 6.4 ha subject property into 11 parcels ranging in size from approximately 0.5 ha to 0.8 ha be refused on the grounds that the Commission was not prepared to support an essentially residential lot subdivision in the ALR.

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. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

### **CARRIED**

**Resolution #401/2009**