



**Agricultural Land Commission**  
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Burnaby, British Columbia V5G 4K6  
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November 22, 2010

Reply to the attention of Ron Wallace  
ALC File: 51772

Ben and Liz Demers  
913 Highway 95  
RR 2  
Golden, BC  
V0A 1H2

Dear Sir/Madam:

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

Please find attached the Minutes of Resolution # 2747/2010 outlining the Commission's decision as it relates to the above noted application.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure: Minutes/Sketch Plan

cc: Columbia Shuswap Regional District (LC2389A)

RW/  
/51772d1



A meeting was held by the Provincial Agricultural Land Commission on October 27, 2010 in Cranbrook.

|                 |                 |                         |
|-----------------|-----------------|-------------------------|
| <b>PRESENT:</b> | Richard Bullock | Chair of the Commission |
|                 | Barry Minor     | Chair of the Panel      |
|                 | Jerry Thibeault | Commissioner            |
|                 | Gordon Gillette | Commissioner            |
|                 | Brian Underhill | Staff                   |
|                 | Ron Wallace     | Staff                   |

**For Consideration**

Application: 51772  
Applicant: Ben and Liz Demers  
Proposal: To subdivide the subject property as split by Highway 95.  
Legal: All that portion of the North ½ of the South ½ Which lies East of the Right Bank of Columbia River Section 20 Township 26 Range 21 West of the 6<sup>th</sup> Meridian Kootenay District, Except that Part Included in RW Plan 759D.  
Location: 913 Highway 95, south of Golden

**Site Inspection**

A site inspection was conducted on October 26, 2010. Those in attendance were:

- Richard Bullock                      Chair of the Commission
- Barry Minor                            Chair of the Panel
- Jerry Thibeault                        Commissioner
- Gordon Gillette                        Commissioner
- Brian Underhill                        Staff
- Ron Wallace                            Staff
- Ben Demers                             Applicant

The Commissioners and staff met with Mr. Demers to view the property and discuss the application to subdivide one parcel of ±4.9 ha on the west side of Highway 95 with the remaining ±38 ha on the east side of the highway. It was noted that the property lying west of Highway 95 is currently being developed as an RV campground, which was previous allowed by the Commission.

**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

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.

Class 7 – Land in this class has no capability for arable or sustained natural grazing

#### Subclasses

|   |                          |
|---|--------------------------|
| M | soil moisture deficiency |
| C | adverse climate          |
| P | stoniness                |
| T | topography               |

### **Assessment of Agricultural Suitability**

The Commission believed the highway created a significant obstacle to farming the property as a whole. It was also believed that the portion of the property lying west of the highway has little agricultural potential due to its small size and approved use as an RV campsite.

### **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 does not believe the proposal will significantly impact the existing use of the property or potential agricultural use of surrounding lands.

### **Conclusions**

1. That the proposal will not significantly impact agriculture.
2. That the proposal is not inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

### **IT WAS**

**MOVED BY:** Commissioner Gillette  
**SECONDED BY:** Commissioner Thibeault

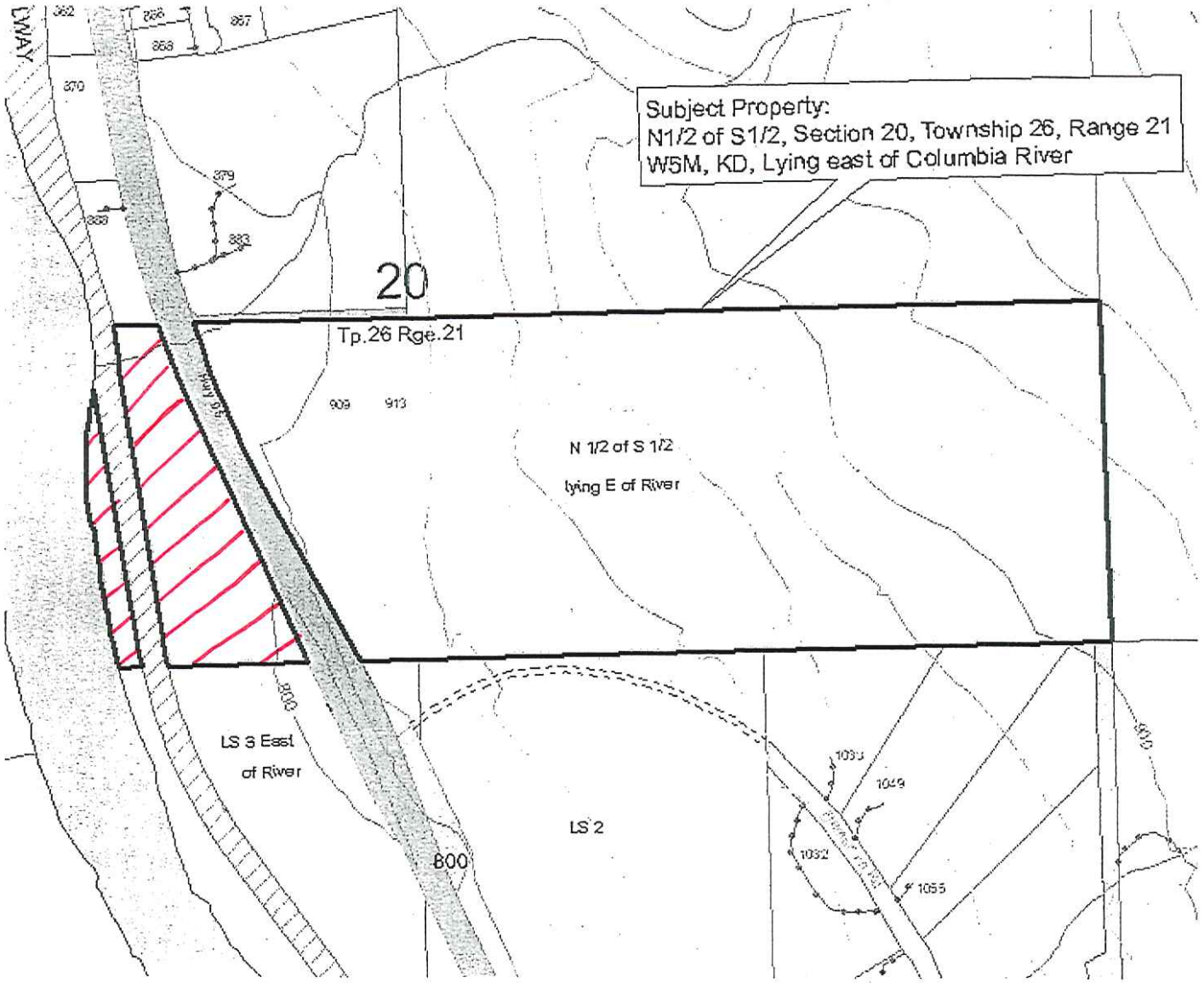
THAT the application to subdivide the subject property as split by Highway 95 be allowed subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- the subdivision must be completed within three (3) years from the date of this decision.

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 # 2747/2010**

Trim Map



Subject Property:  
N1/2 of S1/2, Section 20, Township 26, Range 21  
WSM, KD, Lying east of Columbia River

**Provincial Agricultural Land Commission**  
Application #51772  
Resolution #2747/2010

 Area approved for subdivision in the ALR