



# Provincial Agricultural Land Commission - Staff Report

## Application: 51772

**Applicant:** Ben & Liz Demers  
**Local Government:** Columbia Shuswap Regional District

**Proposal:** To subdivide the subject property which is split by Hwy 95. The proposal is to subdivide, creating one parcel of approx 4.9 ha on the west side of Highway 95 with the remaining 38 ha on the east side of the highway. The portion of the property lying west of Highway 95 is currently being developed as a campground. The ALC approved this non-farm use in 1991.

### BACKGROUND INFORMATION

In 1999, the owners of the subject property applied to the ALC to construct a campground on that part of the property lying west of Highway 95. The ALC approved the application. The owners are now applying to subdivide off the campground from the remainder which is currently being farmed.

### PROPERTY INFORMATION

**PID:** 008-068-518  
**Legal Description:** All that Portion of the North Half of the South Half Which Lies East of the Right Bank of Columbia River Section 20 Township 26 Range 21 West of the 6th Meridian Kootenay District, Except that Part Included in RW Plan 759D  
**Property Area:** 44.5 ha  
**ALR Area:** 44.5 ha  
**Purchase Date:** September 8, 2003  
**Location:** Nicholson - south of Golden  
**Owner:** Ben & Liz Demers

### LAND USE

**Current Land Use:**  
 Air photos show the property as being partially cleared with most of the buildings located in close proximity to Highway 95. Proposed Lot 1, lying west of Highway 95, was previously approved by the ALC for a non-farm use (campground) and some development of the campground has occurred.

**Surrounding Land Uses:**  
 North: Three parcels located on the east west northern boundary. Two residential 1-1/4 section  
 East: Crown Land  
 South: 5 titles: 3 residential, 2 vacant  
 West: Columbia River

### PROPOSAL DETAILS

**Subdivision - ALR Area:** 44.5 ha

Number of Lots	ALR Area of Lot (ha)
1	4.9
1	39.6

**Agricultural Capability:**  
 The majority of the area under application is rated as: Secondary  
**Source:** CLI  
**Mapsheet:** 82N/2

## PREVIOUS APPLICATIONS

**Application ID:** 12622

**Legacy #:** 32465

**Applicant:** Ben & Liz Demers

**Proposal:** develop a +/- 4.4 ha portion of the property located between the Highway and railway tracks as a camping facility which would include 40 full hook-up R.V. sites, 20 partial hook-up sites, 50 tent sites, seven frame cabins, an office/administration area including washroom and shower facilities etc., a small lake, horse coral, bandstand.

**Decision:**

Resolution #	Decision Date	Decision Description
121/1999	January 27, 1999	The application was allowed.

**Note:** Legacy file #32465

## RELEVANT APPLICATIONS

**Application ID:** 44605

**Legacy #:** 37833

**Applicant:** Margaret-Anne Bodie

**Proposal:** To subdivide two properties, one of 15.5 ha and the other of 7.6 ha, to create seven (7) 1.0 ha lots, one (1) 8.9 ha lot. There is currently no subdivision plan in place for the remaining 7.2 ha on the west of Highway 95.

**Decision:**

Resolution #	Decision Date	Decision Description
243/2008	May 6, 2008	Refused as proposed due to impact on agriculture and good agricultural capability of the subject property. However, the Commission will allow the boundary adjustment as divided by the highway and would also permit a boundary adjustment along Flemstrom road.

**Note:** Legacy file #37833, located to the south of the subject property.

**Application ID:** 13237

**Legacy #:** 24769

**Applicant:** William & Deloria Webber

**Proposal:** To subdivide a 2.3 ha parcel from the 9.1 ha property.

**Decision:**

Resolution #	Decision Date	Decision Description
167/1991	February 12, 1991	Allowed

**Note:** Legacy file #24769, located to the north of the subject property.

## LOCAL GOVERNMENT INFORMATION

### Official Community Plan:

**Bylaw Name:** N/A

**Designation:** N/A

### Zoning:

**Zoning Bylaw Name:** N/A

**Zoning Designation:** N/A

### Comments and Recommendations:

#### **Board/Council**

Recommended approval for the proposed subdivision application.

#### **Planning Staff**

The development Services Staff recommended that the application for subdivision be approved.

## ALC STAFF COMMENTS

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The proposed subdivision would create an approximate 4.9 ha lot on the west side of Highway 95 and an approximate 39.6 ha lot on the east side of the highway.

In 1999 the ALC approved the development of a campground on the portion of the property located between the Highway and railway tracks. Regarding this application the regional district made the following comment: "The Golden area has a very short growing season due to elevation and weather conditions. Farmers in the area are finding alternate sources of income to offset some of the farming costs to help them continue farming. The immediate area may support hobby farms." The proposed subdivision would potentially eliminate the contribution of the campsite towards offsetting the some of the farming costs for this property.

## **ATTACHMENTS**

51772\_AirphotoMap20k.pdf  
51772lgreport.pdf  
51772\_ContextMap20k.pdf  
51772\_AgCapabilityMap.pdf

## **END OF REPORT**

**Prepared by:** Ron Wallace, October 14, 2010