



Agricultural Land Commission
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December 17, 2010

Reply to the attention of Brandy Ridout
ALC File: 52016

Paul Dumoret
PO Box 1148
Oliver, BC V0H 1T0

Dear Mr. Dumoret:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution #2836/2010 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in blue ink, appearing to read 'B. Underhill', is written over the printed name.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of Okanagan-Similkameen (file #C07166.200)

BR/
52016d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 23, 2010 in Vernon, BC.

PRESENT:	Roger Mayer	Chair, Okanagan Panel
	Sylvia Pranger	Commissioner
	Brandy Ridout	Staff
	Martin Collins	Staff

For Consideration

Application: 52016
Applicant: Lang's Enterprises Ltd
Agent: Paul Dumoret
Proposal: To develop a commercial campground containing 57 RV sites with the potential to go over 70 RV sites on the 4.6 ha subject property under a non-farm use application.
Legal: PID: 006-281-486
Lot 1 District Lot 3473 Similkameen Division Yale District Plan 23659
Location: Vaseaux Lake - south Okanagan Falls

Site Inspection

A site inspection was not conducted for the application.

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 agricultural capability ratings of the soil of the subject property were interpreted using the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system as 70% Class 6PA and 30% Class 3A.

Classes:

- Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately 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:

- A soil moisture deficiency
- P stoniness

In addition, the applicant submitted an Agronomic Assessment for the property, prepared by Eike Scheffler, P.Ag., QEP, P.Bio (ALTA). It is indicated that the property had never been cleared or farmed before but has recently been logged of the existing pine and fir trees. The property has a 4 acre old irrigation licence but it has not been used for some time. The conclusion of the consultant is that "judging from the soils profiles and the extremely rocky and porous nature of the ground, down to bedrock, no intensive agricultural cropping or farming is recommended for this site. Soil moisture holding capacity is minimal at best. The irrigation licence, if, in fact, it could be reactivated at all due to the recent drought conditions in the area, could be better allocated elsewhere".

The Commission noted that the property to the north (recently planted to vineyard) and the property across the highway (orchard) are partly in the same soils polygon (i.e. 70% Class 6PA and 30% Class 3A) as the subject property and therefore have similar agricultural capability.

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 recalled that a previous application (#V-33192) to exclude the property from the ALR in order to facilitate subdivision was refused on the basis that "the subject land has a reasonable degree of agricultural suitability overall and as such, does not warrant exclusion from the Agricultural Land Reserve". These conclusions were based on an on-site inspection of the property and surrounding area that was performed by A. Dawson P.Ag. (soils specialist) in August 1980. The Commission continued to believe that the property had some suitability for agriculture – as evidenced by the surrounding agricultural operations that share similar soils. In addition, the property could be suitable for non-soil bound 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 viewed the current proposal as similar to an exclusion proposal in that the majority of the property would essentially be alienated from possible agricultural production. It also believed that the introduction of over 50 RV sites on the property would have a negative impact on the agricultural operation to the north and other agricultural operations in the area. As such, the Commission believed the proposal would have a negative impact on the potential agricultural use of the subject property and the existing or potential use of surrounding lands.

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 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 Pranger

SECONDED BY: Commissioner Mayer

THAT the application to develop a commercial campground containing 57 RV sites with the potential to go over 70 RV sites on the 4.6 ha subject property under a non-farm use application be refused.

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, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration.

CARRIED

Resolution #2836/2010