



Agricultural Land Commission
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July 18, 2011

Reply to the attention of Jennifer Carson
ALC File: #52069

Dennis R Smith
Box 129
108 Mile House, BC
V4B 5M1

Dear Mr. Smith:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # **246/2011** 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 black ink, appearing to read 'Brian Underhill', is written over the 'Per:' label.

Brian Underhill, Executive Director

Enclosure: Minutes & Agri-tourism accommodation policy

cc: TNRD (BA000011)

JC/
52069d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on June 27, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Roger Mayer	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Jennifer Carson	Land Use Planner
Eamonn Watson	Land Use Planner
Brian Underhill	Executive Director
Colin Fry	Executive Director

APPLICATION ID: #52069

PROPOSAL: To add two dwellings to a 64.7 ha property.
(Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

Parcel ID: 013-389-254
Legal Description: District Lot 4649 Lillooet District
Civic Address: 900 Meadow Lake Road, Clinton
Size: 64.7
Area in ALR: 57.8
Current Land Use: Two bedroom garage apartment with septic system, well and driveway
Farm Classification: No
(BC Assessment)
Property Owner(s): Hans & Erika Naef
Purchase Date: July 2011

COMMISSION CONSIDERATION:

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission 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.

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 agricultural capability ratings 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 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

Subclasses

- C adverse climate
- T topography
- W excess water

Agricultural Suitability

The Commission assessed whether external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. Commissioner Gillette and Commissioner Dempsey who are familiar with the area noted that the area is predominantly ranch land which would in turn suggest that the subject property would be equally suitable for this or another agricultural purpose. The Commission determined that it does not believe there are external factors that render the land unsuitable for agricultural use.

Other Factors

The Commission noted that the property is not currently farmed, and as a result, the proposed guest ranch would not be supplemental income to an agricultural operation as is generally the case with guest ranches. The Commission has a policy that would permit agri-tourism accommodation involving properties having farm status with the understanding that the additional income would help to supplement the farm. The Commission wishes to emphasize that this type of non farm use should be for legitimate farmers only. As there is no agricultural activity on the property, the Commission is not supportive of permitting the additional dwellings on ALR land.

Moreover, the Commission was concerned with the requirement of rezoning of the property for use as a guest ranch as it does not include the agricultural component.

Furthermore, the Commission notes that a portion of the property is not located within the ALR, and as a result, the applicants have the option of situating these additional buildings in the non-ALR portion of their property without requiring approval from the Commission. If this is not possible for whatever reason, and the applicants are interested in pursuing further accommodations on their property, the option available to the applicants are to attain farm status through farming the property and then legitimately be permitted agri-tourism accommodations as a secondary use of the property.

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 property does not have farm status and thus developing a guest ranch, without the ranch would be inappropriate. Non-farm uses such as guest ranches are intended as a means for farmers to supplement the income from an agricultural operation.
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 Dyson

THAT the 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*
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- (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.

CARRIED

Resolution # 246/2011