



Agricultural Land Commission
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November 17, 2011

Reply to the attention of Ron Wallace
ALC File: 52284

Paul Dumoret
Re/Max Wine Capital Realty
PO Box 220,
Oliver, B.C.
V0H 1T0

Dear Sir:

Re: Application for Subdivision within the Agricultural Land Reserve

Please find attached the Minutes of Resolution #390/2011 outlining the Commission's decision as it relates to the above noted application. As agent it is your responsibility to notify your clients accordingly.

If you have any further questions please contact this office.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per

A handwritten signature in black ink, appearing to read 'B. Underhill', is written over a light grey horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of Okanagan Similkameen File: C11-07166.200



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October, 26th, 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
Bert Miles	Commissioner
Jim Johnson	Commissioner

COMMISSION STAFF PRESENT:

Ron Wallace	Land Use Planner
Brian Underhill	Executive Director

APPLICATION: # 52284

PROPOSAL: To develop a commercial campground on the west half of the 4.7 ha property to be consistent with local government commercial zoning (which predated the ALR). The applicant indicates that the ~2 ha remainder may be developed for agricultural uses.

The application is submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*

PROPERTY INFORMATION:

Parcel ID: 006-281-486
Property Owner: Lang's Enterprises Ltd.
Date Acquired: March 2010
Legal Description: Lot 1, DL 3473, SDYD, Plan 23659
Civic Address: Highway #97 south of Vaseaux Lake
Size: 4.7 ha
Area in ALR: 4.7 ha
Current Land Use: Rural residence
Farm Classification: No
(BC Assessment)

SITE INSPECTION MEETING:

A site inspection meeting was conducted on September 27th, 2011, following which a report was prepared. The site inspection meeting report was provided to the applicant on October 6th, by e-mail.

Section 14(2) of the *Agricultural Land Commission Act* provides that a member of the Commission who was not present at a meeting to determine an application or other matter may vote on the application or matter only if a summary of the meeting is given to the member before

the vote. The September 27th, 2011 site inspection meeting report constitutes a written record of the site inspection meeting and has been provided to all Commission members recorded above.

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 BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the subject property is 7:6PA 3:3A

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.

The limiting subclasses are stoniness (P) and soil moisture deficiency (A)

The Commission noted that adjoining parcels with the same BCLI ratings are developed for agriculture. For example, the adjoining property to the north was developed as a vineyard. Parcels to the west are developed for tree fruits. As such it believed the land had potential for agricultural development.

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. The Commission does not believe there are external factors that render the land unsuitable for agricultural use. The subject property lies in a rural area and adjoins farm operations.

Assessment of Potential Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. It believes the use of half of the property for a commercial campground would not result in the remainder being used for agricultural purposes. The Commission's experience is that smaller lots are less likely to be used for agricultural purposes.

Other Factors

The Commission recalled that it previously refused the exclusion of the property (in 2000). In addition, when it reviewed Regional District of Okanagan Similkameen Bylaws #2122 and 2123 in 2002 it requested that the parcel be designated for agriculture (from commercial).

CONCLUSIONS:

1. That the land under application has agricultural capability, is appropriately designated as ALR, and is suitable for agricultural use.
2. That the commercial campground proposal, if approved, will limit the land's potential to be developed for agriculture.
3. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Bert Miles

SECONDED BY: Commissioner Jennifer 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*
- (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 #390/2011