



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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www.alc.gov.bc.ca

January 3, 2014

ALC File: #53020

Agur Lake Camp Society  
Box 1723  
Summerland, BC  
V0H 1Z0

Attention: Carla Ohmenzetter, President

**Re: Application to Exclude Land from the Agricultural Land Reserve (ALR)**

Please find attached the Minutes of Resolution # 373/2013 as it relates to the above noted application. The Commission has also attached a sketch plan depicting the decision. As agent, it is your responsibility to notify your client(s) accordingly.

Further correspondence with respect to this application is to be directed to Ron Wallace.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure(s): Minutes of Resolution #373/2013  
Sketch plan

cc: Regional District of Okanagan-Similkameen (File: F07220.100)

53020d1



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 28, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53020.

### COMMISSION MEMBERS PRESENT:

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

### COMMISSION STAFF PRESENT:

|                 |                    |
|-----------------|--------------------|
| Ron Wallace     | Land Use Planner   |
| Brian Underhill | Executive Director |
| Colin Fry       | Executive Director |

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**PROPOSAL** (Submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*)  
The application is to exclude ±11.58 ha from the ALR “to permit the establishment of a respite and recreational facility for disabled persons and their families, to be administered by the Agur Lake Camp Society (ALCS).

The subject land was leased from the Crown to the ALCS in 2008 for the purpose of establishing this facility. The ALR status was overlooked at the time the lease was granted. In March 2011 an application for non-farm camping use was approved by the Agricultural Land Commission on the grounds that the land has limited agricultural capability and is likely only suitable for seasonal grazing due to high elevation and rocky soils.

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### PROPERTY INFORMATION:

**Owner:** Province of BC, ILMB

**Legal:** That part of District Lot 3777, except Block A, Osoyoos Division of Yale District, shown in red, containing 11.58 ha, more or less

**Location:** Agur Lake, Okanagan-Similkameen, BC

**Size:** ±11.58 ha

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## SITE INSPECTION

A site inspection was conducted on October 9, 2013 at the subject property. Those in attendance included the Commissioners Bullock and Johnson, ALC staff Collins and Wallace and applicant Carla Ohmenzetter.

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. Commissioner Bullock gave a verbal summary of the site inspection to all Commission members recorded above.

The Commissioners and ALC staff met with the applicant (and others associated with the ALCS) to view the subject property including the cabins and a gazebo that were being constructed for the facility. The property is adjacent to Agur Lake with access to the property from Bathville Road. The property was observed to have limited agricultural capability due to high elevation and rocky soils.

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## LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
- (a) to preserve agricultural land;
  - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
  - (c) 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.

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## COMMISSION CONSIDERATION

The Commission reviewed two previous applications, one involving the subject property (52106) and the other (35921) involving the adjacent property to the east:

Application #52106 (2011, ALCS) To use a portion of the 11.6 ha parcel for a camp for the disabled, this includes the development of four cabins, a gazebo and an outhouse. The Commission by Resolution #90/2011 approved this use subject to the construction of a livestock fence as determined by the province to permit livestock access to the lake for watering.

Application #35921 (2005, Agur Realty) To exclude the 16.2 ha property from the ALR for the purposes of recreational development. A children's camp is proposed on a 1.6 ha lakeshore portion of the property, including recreational cabins on the remainder. The Commission by Resolution #209/2005 approved the exclusion on the grounds that the land had limited capability for soil bound agricultural uses due to aridity, elevation and topography.



After considering the summary of the site inspection and application information the Commission concluded as follows:

1. The Commission noted that it previously approved the existing Agur Lake Camp Society non-farm use on the grounds that the subject land has limited agricultural capability due to soil moisture deficiency, topography and shallow soil/bedrock outcroppings. Further the Commission noted its previous approval for exclusion of the adjacent property to the east from the ALR based on the property having limited agricultural capability.

**Conclusion:**

Due to the existing permitted use of the subject property for the Agur Lake Camp Society facility and the limited agricultural capability of this land for significant agricultural development, the Commission supports the proposed exclusion of this land from the ALR.

**IT WAS**

**MOVED BY: Commissioner Bullock**  
**SECONDED BY: Commissioner Johnson**

THAT the application to exclude ±11.58 ha from the ALR be approved.

AND THAT this decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

**CARRIED**

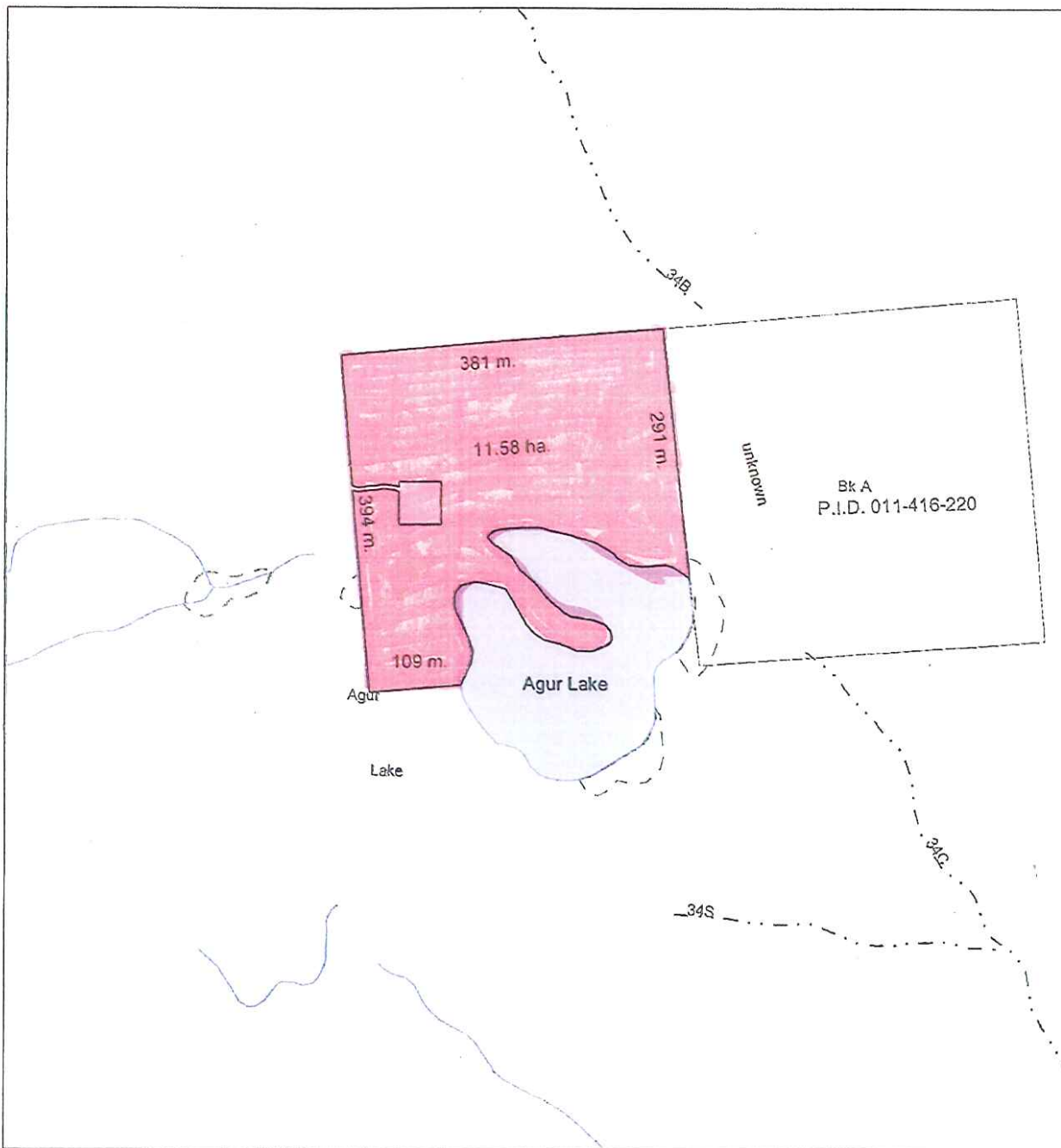
**Resolution #373/2013**

Nominal Rent Tenure - Lease

# Agur Lake Camp Society

File No.:3411736  
Disposition No.:868742


That portion of District Lot 3777, Osoyoos Division Yale District, except Block A, containing 11.58 hectares, more or less



Scale: 1:7,020  
BCGS Mapsheet(s):82E051

Community / Institutional

Provincial Agricultural Land Commission  
Application #53020  
Resolution #373/2013

 ±11.58 ha area approved for exclusion from the ALR