



Agricultural Land Commission
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June 14, 2016

ALC File: 54734

Linda Fitz
Via email: golf@lacaryagolf.com

Dear Ms. Fitz:

Re: Application to Conduct a Non-Farm Use in the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #169/2016) as it relates to the above noted application. A sketch plan depicting the decision is also attached. As agent, it is your responsibility to notify your client accordingly.

Please note that pursuant to s. 33.1 of the *Agricultural Land Commission Act*, the Chair may direct the executive committee to reconsider this panel decision if, within 60 days from the date of this decision, he considers that the decision “may not fulfill the purposes of the commission as set out in s. 6 or does not adequately take into account the considerations set out in s. 4.3”. I can advise you that in this case, the Chair has already reviewed the decision and has instructed me to communicate to you that he does not intend to exercise that authority in this case.

Further correspondence with respect to this application is to be directed to Jennifer Carson at (Jennifer.Carson@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to be 'CJF', written in a cursive style.

Colin J. Fry, Director of Policy and Planning

Enclosures: Reasons for Decision (Resolution #169/2016)
Sketch plan

cc: Thompson-Nicola Regional District (File: ALR103) (*SENT BY ELECTRONIC MAIL*)

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AGRICULTURAL LAND COMMISSION FILE 54734

REASONS FOR DECISION OF THE INTERIOR PANEL

Application submitted pursuant to s. 20(3) of the *Agricultural Land Commission Act*

Applicant: Long Lake Golf Course Ltd.
(the “Applicant”)

Agent: Linda Fitz
(the “Agent”)

Application before the Interior Regional Panel: Lucille Dempsey, Panel Chair
Richard Mumford
Roger Patenaude

THE APPLICATION

[1] The legal description of the property involved in the application is:

Parcel Identifier: 003-323-978

Lot 5, Plan 5153, District Lot 1371, Kamloops Division Yale District, Except Plans H558, H11093, 36378 and 37616

(the "Property")

[2] The Property is 29.1 ha in area of which 27.8 ha are situated within the ALR.

[3] The Property has the civic address 1480 Old North Thompson Highway, Blackpool.

[4] The Property is located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").

[5] The Property is located within Zone 2 as defined in s. 4.2 of the *ALCA*.

[6] Pursuant to s. 20(3) of the *ALCA*, the Applicant is applying for permission to continue operating the campground/RV park located on a 0.9 ha area of the Property. The Property is the site of the Lacarya Golf Course which was approved by the Commission in 1985. However, a request for a campground/RV park did not form part of the previous application. The Applicant requires approval from the Commission and rezoning by the local government in order to continue this use. The Applicant explains that when it purchased the Property in 2013 it was not aware that the campsite/RV park was not authorized (the "Proposal"). The Proposal along with supporting documentation is collectively (the "Application").

RELEVANT STATUTORY PROVISIONS

[7] The Application was made pursuant to s. 20(3) of the *ALCA*:

20(3) An owner of agricultural land or a person with a right of entry to agricultural land granted by any of the following may apply to the commission for permission for a non-farm use of agricultural land.

[8] The Panel considered the Application pursuant to its mandate in s. 4.3 of the *ALCA*:

4.3 When exercising a power under this Act in relation to land located in Zone 2, the commission must consider all of the following, in descending order of priority:

- (a) the purposes of the commission set out in section 6;
- (b) economic, cultural and social values;
- (c) regional and community planning objectives;
- (d) other prescribed considerations.

[9] The purposes of the Commission set out in s. 6 are as follows:

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.

EVIDENTIARY RECORD BEFORE THE PANEL

[10] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Previous application history
4. Agricultural capability map, ALR context map and satellite imagery



All documentation noted above was disclosed to the Agent in advance of this decision.

[11] The Panel reviewed previous applications involving the Property:

Application ID: 35792
Legacy File: 12888
(Janowsky, 1981)

This application requested the exclusion of the 21.0 ha ALR portion of the subject property from the ALR. The Commission refused the proposal by Resolution #438/82 on the grounds that exclusion or subdivision of the property would reduce the number of agricultural options available to it. Furthermore, the Commission believed that the property had agricultural potential and as such should be retained as a single unit.

First Reconsideration Request

This request asked the Commission to reconsider exclusion of the property from the ALR. The Commission reconfirmed its decision to refuse the application by Resolution #930/82. However, it did permit the subdivision of the property into two parcels of approximately 11.5 ha each.

Second Reconsideration Request

This request asked for the subdivision of one 1.1 ha parcel lying west of the North Thompson Highway. The proposal was approved by Resolution #514/1984 on the condition that the portion of Johnston Road lying within the proposed lot is closed.

Application ID: 36773
Legacy File: 19042
(Saari, 1985)

This application proposed to establish a nine-hole golf course complete with clubhouse facilities and a motel/restaurant complex. The applicant proposed that the motel/restaurant complex be created on its own 1.1

ha lot. Furthermore, subdivision to create two additional 0.8 ha parcels for residential parcels was also proposed.

The Commission refused the application as proposed by Resolution #545/1985 on the grounds that the proposed subdivision would create an undesirable intrusion and impact on the long term agricultural potential of the subject property and surrounding lands. However, the Commission did approve the establishment of a nine-hole golf course and indicated that it would consider a clubhouse and pro shop facility in the southwest corner of the subject property if provided an adequate site plan for this development. Furthermore, the Commission discussed the proposed motel and restaurant and believed at that time that those facilities proposed were best located outside of the ALR. However, the Commission indicated that it would be open to reviewing evidence that the motel could not be located outside of the ALR as well as a detailed site plan.

First Reconsideration Request

This request asked the Commission to reconsider the application in light of the new information provided by the applicant. The applicant explained that unbeknownst to the Commission, the area outside the ALR was not owned by the applicant. Also, the southwest corner of the subject property initially proposed by the Commission for development is in the floodplain and would require a substantial amount of fill to be used as proposed. The applicant indicated that the proposed 1.5 ha lot for the motel/restaurant/clubhouse/ pro-shop facility was the most appropriate location because it was level with the old Thompson Highway and was above the level of the

golf course, the access was already available to the lot, several fairways have been seeded and the irrigation system work has begun.

The Commission decided that the motel complex would not have a significant impact on agriculture. However, it still believed that the proposed residential lots would have an adverse impact. The Commission granted partial approval of the 1.5 ha parcel to be used as a motel, fitness centre, restaurant, golf club and pro shop facility, and a 0.8 ha residential lot by Resolution #902/1985. At the same time the Commission also rescinded Resolution #930/1982.

[12] The Panel reviewed a relevant application relating to the application:

Application ID: 44767 Legacy File: 37937 (Lacarya Golf Course Ltd., 2008)	To develop a full service campground on the 2.3 ha property. Approved with conditions by Resolution #193/2008. This approval expired in 2011.
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SITE VISIT

[13] The Panel, in the circumstances of the Application, did not consider it necessary to conduct a site visit to the Property based on the evidentiary record associated with the Application.

FINDINGS

Section 4.3(a) and Section 6 of the ALCA: First priority to agriculture

[14] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system. The improved agricultural capability rating



identified on CLI map sheet 92P/09 for the mapping unit encompassing the ALR portion of the Property is (7:3M - 3:4MP).

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

The limiting subclasses associated with this parcel of land are M (moisture deficiency) and P (stoniness).

[15] The Panel reviewed the CLI ratings and find that the Property has good agricultural capability.

[16] The Panel noted that there are agricultural uses of lands to north and south of the Property.

[17] The Applicant has indicated that it also owns an adjacent 2.0 ha vacant property in the ALR which is zoned C-3 for Highway Commercial (created by and originally permitted non-farm use by Resolution #902/1985). The Panel believes in order to offset the impact of the current RV Park and Campground, rescinding the previous approval for non-farm use on its other property, and binding that land by covenant back to the Property is appropriate.

Section 4.3(b) of the ALCA: Second priority to economic, cultural and social values

[18] The Applicant did not provide any evidence or rationale regarding any economic, cultural and social values that may be pertinent to the Application.

Section 4.3(c) of the ALCA: third priority to regional and community planning objectives



[19] The Thompson-Nicola Regional District (the “TNRD”) recommended the Application be forwarded to the Commission. The campground was developed without local government permission and as such a zoning amendment is also required by the TNRD in order for the use to continue.

Weighing the factors in priority

[20] The Panel considered that the impact of the existing campground and RV Park could be offset with removing the possibility of the future non-farm use on a portion of land which was originally part of the Property. Furthermore, as the creation of the 2.3 ha parcel was a result of the Commission allowing non-farm use, and has never been acted on, returning the parcel to its parent parcel by binding them through covenant and rescinding the non-farm use approval for that land is appropriate.

[21] The Panel gave consideration to economic, social and cultural values and regional and community planning objectives planning as required by s. 4.3. In this case, the Panel finds that these considerations are not contributory to the decision given the Panel’s finding following its review of the agricultural considerations.

DECISION

[22] For the reasons given above, the Panel approves the Proposal to continue the non-farm use of a 0.9 ha area of the Property as a campground/RV park.

[23] Simultaneously the Commission also rescinds the non-farm use portion of its previous decision (Resolution #902/1985) on the 2.3 ha property it shares a boundary with (PID 005-879-388) and advises the TNRD that the previous approval allowing non-farm use is no longer valid.

[24] The Proposal is approved subject to the following conditions:

- a. the campground/ RV park being in substantial compliance with the plan submitted with the Application; and

- b. the registration of a covenant for the purpose of binding the Property with the 2.3 ha property it shares a boundary with (PID: 005-879-388).

[25] 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.

[26] Panel Chair **Lucille Dempsey** concurs with the decision.
Commissioner **Richard Mumford** concurs with the decision.
Commissioner **Roger Patenaude** concurs with the decision.

[27] Decision recorded as Resolution #169/2016.

A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *Agricultural Land Commission Act*.

Upon instruction of the Panel, I have been authorized to release the Reasons for Decision by Resolution #169/2016. The decision is effective upon release.



Colin J. Fry, Director of Policy and Planning

June 14, 2016

Date Released

ALC Application ID 54734
Non-farm use Approved with Conditions by
Resolution #169/2016

0.9 ha
permitted for
continued
use as
campground
and RV Park



Lot to be
consolidated to
the Property by
Covenant