



Agricultural Land Commission
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November 28, 2016

ALC File: 55268

Robert A. Lundberg Law Corporation
119 Campbell Avenue, P.O. Box 2490
Revelstoke, BC V0E 2S0

Dear Mr. Lundberg:

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

Please find attached the Reasons for Decision of the Okanagan Panel (Resolution #398/2016) as it relates to the above noted application. As agent, it is your responsibility to notify the applicant accordingly.

Reconsideration of a Decision as Directed by the ALC Chair

Please note that pursuant to [s. 33.1 of the *Agricultural Land Commission Act*](#), the Chair may direct the executive committee to reconsider any 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 consideration s. 4.3.

You will be notified in writing if the Executive Committee is directed to reconsider your decision. The Commission advises you to take this 60 day period into consideration prior to proceeding with any actions upon this decision.

Reconsideration of a Decision by an Affected Person

We draw your attention to [s. 33\(1\) of the *Agricultural Land Commission Act*](#) which provides a person affected the opportunity to submit a request for reconsideration.

- 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.

For further clarity, s. 33.1 and s. 33(1) are separate and independent sections of the *Agricultural Land Commission Act*.

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

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Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read "Ron Wallace". The signature is fluid and cursive, with the first letter of each word being significantly larger and more stylized than the others.

Ron Wallace, Land Use Planner

Enclosure: Reasons for Decision (Resolution #398/2016)

cc: Columbia Shuswap Regional District (File: LC2518)

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AGRICULTURAL LAND COMMISSION FILE 55268

REASONS FOR DECISION OF THE OKANAGAN PANEL

Application submitted pursuant to s. 30(1) of the *Agricultural Land Commission Act*

Applicant: **Stephen Revell**
(the “Applicant”)

Agent: **Robert Lundberg**
(the “Agent”)

Application before the Okanagan Regional Panel: **Gerry Zimmermann, Panel Chair**
Jim Johnson
Greg Norton



THE APPLICATION

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

Parcel Identifier: 014-006-511

Lot 1 Section 11 Township 23 Range 2 west of the 6th Meridian Kootenay District

Plan 7126

(the “Property”)

[2] The Property is 3.2 ha in area.

[3] The Property has the civic address 3401 Catherwood Road, Revelstoke, BC.

[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 1 as defined in s. 4.2 of the *ALCA*.

[6] Pursuant to s. 30(1) of the *ALCA*, the Applicants are applying to exclude the Property from the ALR “to turn [the] property into vacation rental and consider future subdivision.” (the “Proposal”). The Proposal along with supporting documentation is collectively the application (the “Application”).

RELEVANT STATUTORY PROVISIONS

[7] The Application was made pursuant to s. 30(1) of the *ALCA*:

30 (1) An owner of land may apply to the commission to have their land excluded from an agricultural land reserve.

[8] The Panel considered the Application within the context of s. 6 of the *ALCA*. The purposes of the Agricultural Land Commission (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

[9] The Panel considered the following evidence:

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

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

[10] At its meeting of September 15, 2016, the Columbia Shuswap Regional District (CSR D) Board of Directors passed a resolution recommending refusal of the Proposal.

[11] The Advisory Planning Commission for Area 'B' recommended refusal of the Proposal.

[12] The Development Services staff for the CSR D recommended refusal of the application to exclude the subject property from the ALR for the following reasons:

- The policies within the Electoral Area 'B' Official Community Plan Bylaw No. 850 do not support the proposal;
- Adjacent lands are currently being used for and zoned for agriculture;
- Class 2 soils allow for a wide variety of agricultural use; and
- The proposal does not support the ALC mandate to preserve agricultural land.



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.

APPLICANT MEETING

[14] On October 18, 2016, the Panel conducted a meeting with the Applicant (the “Applicant Meeting”) in accordance with s. 22(1) of the Regulation. The Applicant Meeting was held at The Prestige Harbourfront Resort & Convention Centre, 251 Harbourfront Drive NE, Salmon Arm. Those in attendance were:

Gerry Zimmerman	Vice Chair, Okanagan Panel
Greg Norton	Commissioner, Okanagan Panel
Jim Johnson	Commissioner, Okanagan Panel
Ron Wallace	Land Use Planner
Jenna Bedore	Land Use Planner
Robert Lundberg	Agent

The Agent, Mr. Lundberg, provided an overview of the Proposal to exclude the Property from the ALR to operate a vacation rental business. It was explained that the Property has a thin layer of topsoil (i.e., approximately 4 inches) and that the underlying soil type consists of fine sand, gravel and clay. It was further explained that the southern portion of the Property is swampy and that it would take a significant effort (and expenditure) to make the whole Property better capable for agricultural development. The Property was purchased by the current owner in 2007, and there are currently a number of structures on the Property including a log house, a three car garage with two bedrooms and three old structures.

The Commissioners asked Mr. Lundberg whether the Proposal would provide any benefit to agriculture in general. His response was that while the Proposal provides no benefit to agriculture, it (the Proposal) would not hinder agriculture either.

FINDINGS

[15] 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 ratings identified on CLI map sheet 82L/16 for the mapping units encompassing the Property are Class 2, more specifically (2T).

Class 2 - land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in management.

The limiting subclass associated with this parcel of land is T (topographic limitations).

[16] The Panel, while acknowledging the comments made by the Agent regarding the Property's agricultural capability limitations (noted above), also noted that the Canada Land Inventory Soil mapping indicates that the entire Property is Class 2 with topography as a limiting factor. As such, the Panel believes that with proper management practices, the Property has good agricultural capability. Further, the Property is located in an agricultural area with small and medium sized ALR lots surrounding the Property. The Panel believes the proposed exclusion would negatively impact the surrounding agricultural lands and concludes that the Proposal is inconsistent with the context of s. 6 of the *ALCA*.

DECISION

[17] For the reasons given above, the Panel refuses the Proposal to exclude the Property from the ALR "to turn [the] property into vacation rental and consider future subdivision."

[18] These are the unanimous reasons of the Okanagan Panel of the Agricultural Land Commission.

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



[20] This decision is recorded as Resolution #398/2016 and is released on November 28, 2016.

CERTIFICATION OF DECISION

A handwritten signature in black ink, appearing to read 'G. Zimmermann', is written over a horizontal line.

Gerry Zimmermann, Panel Chair, on behalf of the Okanagan Panel

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