

August 22, 1984

Hon. H. W. Schroeder  
Minister of Agriculture & Food  
Parliament Buildings  
Victoria, B.C.

Dear Mr. Minister:

Re: Application to the Lieutenant-Governor in Council by the  
Regional District of Columbia Shuswap for the Exclusion  
of Land from the Agricultural Land Reserve under Section  
11(1) of the Agricultural Land Commission Act and the  
Inclusion of Land into the Agricultural Land Reserve  
under Section 10(3) of the Agricultural Land Commission Act  
Application #01/10-H-82-15506

The Agricultural Land Commission requests that the following information and  
advice be forwarded to Cabinet for consideration.

An application has been received from the Regional District of Columbia Shuswap  
to the Lieutenant-Governor in Council pursuant to Sections 11(1) and 10(3) of  
the Agricultural Land Commission Act to have the property indicated on the  
attached map (Exhibit 1) hatched in red excluded from and hatched in green  
included into the Agricultural Land Reserve.

Location

The application includes 25 individually described areas located in the vicinity  
of Nicholson and Harrogate southeast of Golden and along the Columbia River.  
(See Exhibit #1)

Legal Description                      See Exhibit #4 attached.

	<u>Hectares</u>		
	<u>Private (Approx)</u>	<u>Crown (Approx)</u>	<u>Total</u>
<u>Area Requested for Exclusion</u>	1390	1104	2494
<u>Area Requested for Inclusion</u>	435	17	452
<u>Total Area of Application</u>	1825	1121	2946

Agricultural Capability (A. Dawson/I. Cotic, Ministry of Agriculture & Food)

In order to enhance the base information, staff of the Ministry of Agriculture and  
Food's Soils Branch completed in January 1984 an on-site report concerning the  
areas under application. Detailed information concerning each area initially  
proposed for exclusion and inclusion is contained in Exhibit #2. By way of summary,  
the considerable majority of the areas proposed for exclusion have agricultural  
capabilities poorer than 50% Class 5. The areas proposed for inclusion, for the  
most part, have capabilities better than 50% Class 5.



### Existing Uses

The vast majority of the Areas proposed for exclusion are tree/forest covered. Several of the Areas are partially cleared or in the floodplain. Areas 5, 14 and 18 have some rural and rural residential use. Area 3, and portions of Areas 14 and 19 are or have been the subject of gravel extraction. There is little or no agriculture being undertaken within those areas proposed for exclusion.

Of the seven Areas proposed for inclusion the land is predominantly cleared with the exception of Areas D and G. Area C is a mixture of cleared and agricultural use. For those Areas that are cleared they are being used or developed for agriculture.

### Proposed Uses

In most cases the Areas proposed for exclusion are not the subject of development plans nor was this the basis of requesting exclusion. Therefore, it is reasonable to anticipate little land use change upon exclusion with the possible exception of forestry activity clearing some areas. Exceptions to this may be Area 4 - unserviced industrial potential, Area 14 - residential/community node, Area 18 - residential use and the continued use or expansion of gravel extraction operations in Areas 3, 14 and 19.

In each case the Areas proposed for inclusion are intended to continue current agricultural use, are being developed for agricultural use or have the potential for agricultural use. It is upon this basis that the Areas have been proposed for inclusion.

Official Settlement Plan Designation      Not applicable.

Zoning      Not applicable.

### Process

The Commission wishes to outline the process leading to the finalization of the application to this point. The process incorporated in the Nicholson-Harrogate ALR review in fact serves as a good example of a co-operative approach to such a review by the Regional District, Ministry of Agriculture and Food and Agricultural Land Commission.

Initially the Regional District examined the subject area largely from a technical point of view in order to identify those areas within the ALR that appeared to have limited agricultural potential and those areas not in the ALR that were being used or developed for agriculture or with agricultural potential. At the time of the public hearing, the Regional District developed an option that would have proposed the inclusion of approximately 4700 hectares into the ALR. However, the vast majority of this area is in the floodplain and subject to inundation for extended periods during the growing season. For this reason, and it being unlikely that a diking and drainage scheme in the area would be realized in the foreseeable future, this option was not pursued by the Regional District. Following consideration of the proposal by the public during the public hearing, it was reconsidered by the Regional District and forwarded for recommendation to the Commission under Sections 11(1) and 10(3) of the Agricultural Land Commission Act.



Due to the considerable land area involved and a lack of detailed agricultural capability information, the Commission requested the Soils Branch, Ministry of Agriculture and Food to undertake an agricultural capability review of those areas subject to the application. Following receipt of this information, the Commission undertook a detailed review of the Regional District proposal and reported the results of its consideration to the Regional District. Of the 3100 hectares (exclusions and inclusions) under application, the Commission concurred with over 70% of the areas included in the Regional District proposal. Largely as a result of the detailed agricultural capability information, the Commission requested two things. Firstly, that the Regional District (which did not have the improved agricultural capability information when formulating its proposal) reconsider 759 hectares requested for exclusion and 105 hectares proposed for inclusion. In many cases the lands requested to be reconsidered constituted relatively minor refinements to individual Areas within the proposal. Secondly, the Commission asked the Regional District to consider incorporating into the application an additional 305 hectares for exclusion and 62 hectares for inclusion. In making this latter request the Commission was aware that any additions to the application must be limited to areas discussed during the public hearing.

Following a review by the Regional District of the Commission's report and the new agricultural capability information, the Regional Board reconsidered its proposal resulting in relatively few areas of discrepancy between the Board and Commission at this point in the process. The Commission then undertook a final review of the application resulting in a recommendation in concurrence with the Regional District's proposal for areas of both exclusion and inclusion.

#### Regional District Comments

The application was made by the Regional District of Columbia Shuswap and endorsed by Resolutions #84/540, 84/527 and 84/528. (Included within Exhibit 3.1).

#### Public Comments

A public hearing regarding the application was duly held on 10 August 1982 at which time 120 members of the public attended. The Commission has also received considerable correspondence from the public concerning the application (see Exhibit 3.2). For the most part the written submissions received were against exclusions from the ALR. However, the comments made by members of the public at the Public Hearing tended to be mixed - both pro and con exclusions and inclusions.

#### Agricultural Land Commission Comments

The Commission is pleased with the process resulting in the application now being considered by Cabinet. The only suggested change would be to have undertaken preliminary discussions between the Regional District and Agricultural Land Commission prior to public hearing. The Commission's recommendation is based upon consideration of the Regional District's input accompanying the application, including public comments, new agricultural capability mapping based upon on-site work undertaken by the Soils Branch, Ministry of Agriculture and Food, general discussions with and input from Ministry of Agriculture and Food staff, consultation with Regional District staff, consideration of the McMurdo Benches Crownland Plan, airphoto interpretation and the Commission's general knowledge of the area.



The Commission considers the application to represent a major review and rationalization of the ALR in this particular area of the Regional District. Although there are some exceptions, the proposed areas of exclusion represent lands of limited agricultural capability being generally poorer than 50% Class 5. Those lands proposed for inclusion not only have agricultural capabilities generally better than 50% Class 5, but in all or most all cases the lands in question are being cleared and developed for agricultural purposes. It should be remembered that ranching is the predominant form of agriculture undertaken in the area and this is most often found on lands with an agricultural capability rating of predominantly Class 5.

The Agricultural Land Commission therefore recommends by Resolution #1007/84 dated 5 June 1984 that the application for exclusion from the Agricultural Land Reserve of approximately 2494 hectares hatched in red on Exhibit 1 and inclusion into the Agricultural Land Reserve of approximately 452 hectares hatched in green on Exhibit 1 be allowed:

- 1) due to the land's limited agricultural potential, existing or proposed land use and an effort to rationalize the ALR in the area with regard to those areas proposed for exclusion; and
- 2) due to the areas proposed for inclusion representing lands with agricultural potential which are, for the most part, being actively developed for agricultural purposes.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

ORIGINAL SIGNED BY  
R. P. MURDOCH

Per: M. F. Clarke, Chairman

c.c. Debbie Lovett, Secretary to ELUC  
Regional District of Columbia Shuswap  
Mr. A. Dawson, Ministry of Agriculture & Food, Kelowna

- Enc. Exhibit 1 - Lands proposed by Application #01/10-H-82-15506 and Recommended by the Agricultural Land Commission for Exclusion and Inclusion (1:50,000) Map
- Exhibit 2 - Agricultural Capability Map (1:50,000) and On-Site Report (Dawson and Cotic, 1984)
- Exhibit 3 - Application and Pertinent Information
- Exhibit 4 - Legal Descriptions

BES/kj



Area E - Reconsideration of the Regional District's proposed inclusion of this area is requested due to the Soils Branch report indicating that the area has largely limited agricultural capability.

*A.L.C.*

*D.H.*

Concur with the Commission's preliminary review.

*RDCS-*

- E - ALC requests reconsideration, because of low capability.
- this area has little prospect of farm use; its deletion was discussed at the hearing, but capability was then believed to be a little higher.
- *RECOMMEND AREA E BE DELETED FROM APPLICATION.*

Area 14 - Despite lands with relatively good agricultural capability in some portions of this area, the Commission recognizes that the area has undergone some degree of subdivision and is willing to recognize the area as a small development node and thereby recommend exclusion of the area as proposed by the Regional District. The Commission further suggests that the flood-plain land west of the railway also be excluded due to this area's limited agricultural potential and in order to avoid leaving a slender area of ALR.

*A.L.C.*

*D.H.*

Area 14 - due to acreage of Class 3T and 4P and minor Class 2T lands in this area, we would suggest that consideration should be given to retaining these lands in the ALR with subdivision limited to small holdings of one to two hectares (or more) in size.

The last line in our report should read as follows:

"the southern part of the area".

*RDCS-*

- 14 - ALC requests exclusion of an adjoining area, because of poor capability.
- Adjustment of the boundary of this area was discussed at the public hearing, and is clearly justifiable in the light of the new technical information.
- *RECOMMEND FURTHER EXCLUSION AS PROPOSED BY ALC.*
- *RECOMMEND ADJUSTMENT OF SE BOUNDARY OF AREA 14 TO MATCH BOUNDARY OF EXISTING GRAVEL PIT AS SHOWN ON COLOUR AIRPHOTOS.*

Area 15 - The Commission recommends that the bulk of this area be excluded as proposed by the Regional District with some modifications as illustrated on the attached map. It is suggested that those lands proposed for exclusion with

*A.L.C.*

a Class (5<sup>7</sup>P<sub>T</sub> - 4<sup>3</sup>P<sub>T</sub>) agricultural capability rating as well as land on the northeast side of the hydro right-of-way be retained in the ALR. In addition, it is suggested that the area include a small inclusion associated with the Class (5<sup>7</sup>P<sub>T</sub> - 4<sup>3</sup>P<sub>T</sub>) lands and the exclusion of a long narrow arm of floodplain land west of Area 15.

*D.H.*

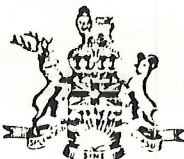
Area 15 - the area "suggested by the Commission for reconsideration by the Regional District" and the "additional area for inclusion suggested by the Commission" (both colored green) is a good recommendation. In so doing, these areas will conform with the remainder of the bench lands which are in the ALR.

*RDCS -*

- 15 - ALC requests further exclusion of low land.
- the Regional Board had requested exclusion of this area under file 1205-A, but exclusion was omitted from the Order in Council.
- *RECOMMEND FURTHER EXCLUSION AS PROPOSED BY THE ALC.*
- 15 - ALC recommends retention of the bench area, as defined by soil mapping, together with re-inclusion of a portion of the bench excluded by the earlier block application.
- although ALR status for the bench is clearly in accordance with the intent of the application, it is not legally possible to apply for re-inclusion without a further public hearing.
- *RECOMMEND RETENTION OF BENCH AS PROPOSED BY ALC.*
- *RECOMMEND NO ACTION (at this time) ON FURTHER INCLUSION.*



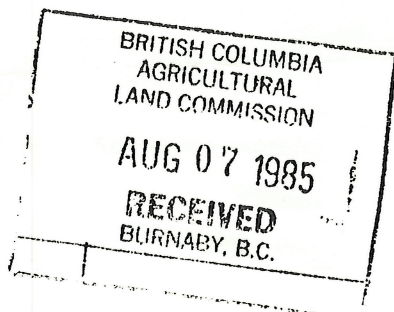
BRITISH



COLUMBIA

1537

APPROVED AND ORDERED JUL 31 1985



*[Signature]*  
Lieutenant Governor

EXECUTIVE COUNCIL CHAMBERS, VICTORIA JUL 31 1985

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that on the application of the Regional District of Columbia Shuswap, Application #01/10-H-82-15506, approval is given to the Provincial Agricultural Land Commission to add those lands listed on attached Schedule II, lying within the Regional District of Columbia Shuswap, all within Kootenay Land District and shown hatched in green on the attached plan as an addition to the Agricultural Land Reserve of the Regional District of Columbia Shuswap approved August 30, 1974, by B.C. Reg. #602/74 and designated by Resolution #187/74 of the Commission dated September 3, 1974.

*[Signature]*  
ACTING Minister of Agriculture and Food

*[Signature]*  
Presiding Member of the Executive Council

COPY

(This part is for the records of the Office of Legislative Counsel, and is not part of the Order.)

Authority under which Order is made:

Act and section ..... Agricultural Land Commission Act, Section 10(3)

Other (specify) ..... Order-in-Council #2856/74

Examined by .....

*[Signature]*

B. G. NASH

(Signature and typed or printed name of designated Attorney General Examiner)



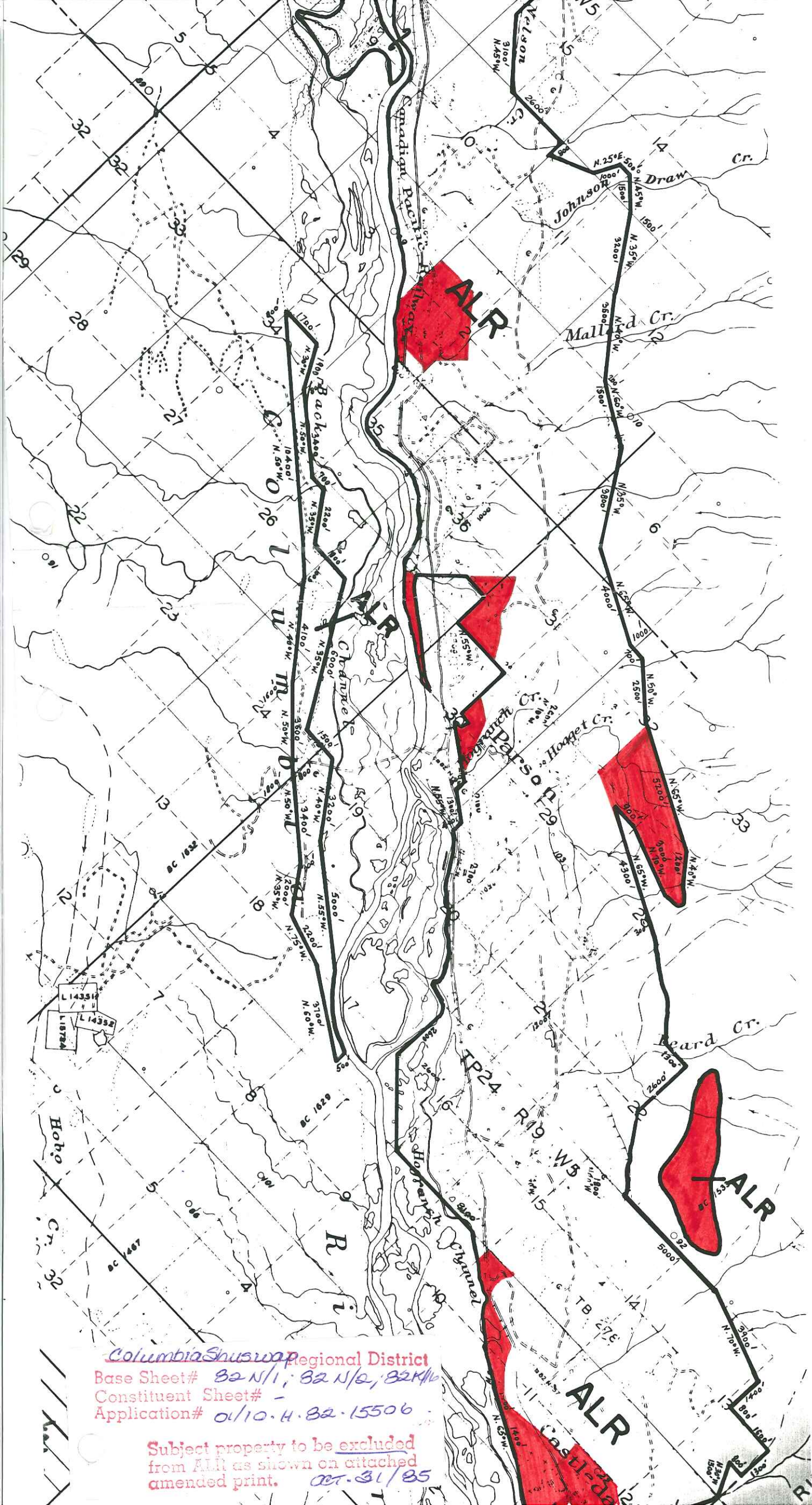
EXCLUSIONSAREA

1. Portions of: - South 1/2, Section 24; North 1/2, Section 13; S.E. 1/4, Section 13; Township 26, Range 22, W5  
- West 1/2, Section 18; Township 26, Range 21, W5  
- N.W. 1/4 and East 1/2, Section 7; N.E. 1/4, Section 6; Township 26, Range 21, W5  
- S.W. 1/4, Section 5, Township 26, Range 21, W5  
- Section 32; S.W. 1/4, Section 33; North 1/2 and S.E. 1/4, Section 28; South 1/2, Section 27; North 1/2, Section 22; Portion of Unsurveyed Crown Land; Township 25, Range 21, W5
2. Portions of: - N.W. 1/4, Section 16; S.W. 1/4, Section 21; S.E. 1/4, Section 20; N.E. 1/4, Section 17; Township 26, Range 21, W5
3. Portions of: - S.E. 1/4, Section 17; Township 26, Range 21, W5
4. Portions of: - East 1/2, Section 8; West 1/2, Section 9; Township 26, Range 21, W5
5. Portions of: - Section 9; Township 26, Range 21, W5
6. Portions of: - South 1/2, Section 1, Township 26, Range 21, W5  
- East 1/2, Section 36; N.E. 1/4, Section 25; Township 25, Range 21, W5  
- Section 31; N.W. 1/4, Section 30; Township 25, Range 20, W5
7. Portions of: - South 1/2, Section 25; N.E. 1/4, Section 24; Township 25, Range 21, W5
8. Portions of: - S.W. 1/4, Section 30; North 1/2 and S.E. 1/4, Section 19; Township 25, Range 20, W5
9. Portions of: - N.W. 1/4 and East 1/2, Section 30; West 1/2, Section 29; Section 20; S.W. 1/4, Section 21; N.E. 1/4, Section 17; West 1/2, Section 16; Township 25, Range 20, W5
11. Portion of: - S.W. 1/4, Section 28, Township 25, Range 20, W5
12. Portion of: - S.E. 1/4, Section 32; S.W. 1/4, Section 33; North 1/2, Section 28; N.E. 1/4, Section 29; Township 24, Range 19, W5
13. Portions of: - East 1/2, Section 22; Unsurveyed Crown Land East of Section 22 and North of the N.E. 1/4, Section 22; Township 24, Range 19, W5
14. Portion of: - Section 2; Township 25, Range 20, W5
15. Portions of: - West 1/2, Section 31; N.W. 1/4, Section 30; East 1/2, Section 30, Township 24, Range 19, W5  
- S.E. 1/4, Section 36; North 1/2, Section 25; Township 24, Range 20, W5
16. Portion of: - N.E. 1/4, Section 10; Township 24, Range 19, W5
17. Portions of: - West 1/2, Section 11; S.E. 1/4, Section 11; South 1/2, Section 12; N.E. 1/4, Section 2; North 1/2 and S.E. 1/4, Section 1; Township 24, Range 19, W5  
- Unsurveyed Crown land East of the S.W. 1/4, Section 7; Section 6; S.W. 1/4, Section 5; Township 24, Range 18, W5  
- N.E. 1/4, Section 31; Section 32; S.W. 1/4, Section 33; Township 23, Range 18, W5
18. Portions of: - South 1/2, Section 28; N.E. 1/4, Section 21; Township 23, Range 18, W5
19. Portions of: - N.W. 1/4, S.W. 1/4 and East 1/2, Section 23; West 1/2 and S.E. 1/4, Section 22; North 1/2, Section 14; N.W. 1/4, Section 13; Township 23, Range 18, W5









Columbia Shuswap Regional District  
 Base Sheet# 32 N/1, 32 N/2, 32 K/6  
 Constituent Sheet# -  
 Application# 01/10.4.82.15506

Subject property to be excluded  
 from ALR as shown on attached  
 amended print. OCT. 31/85

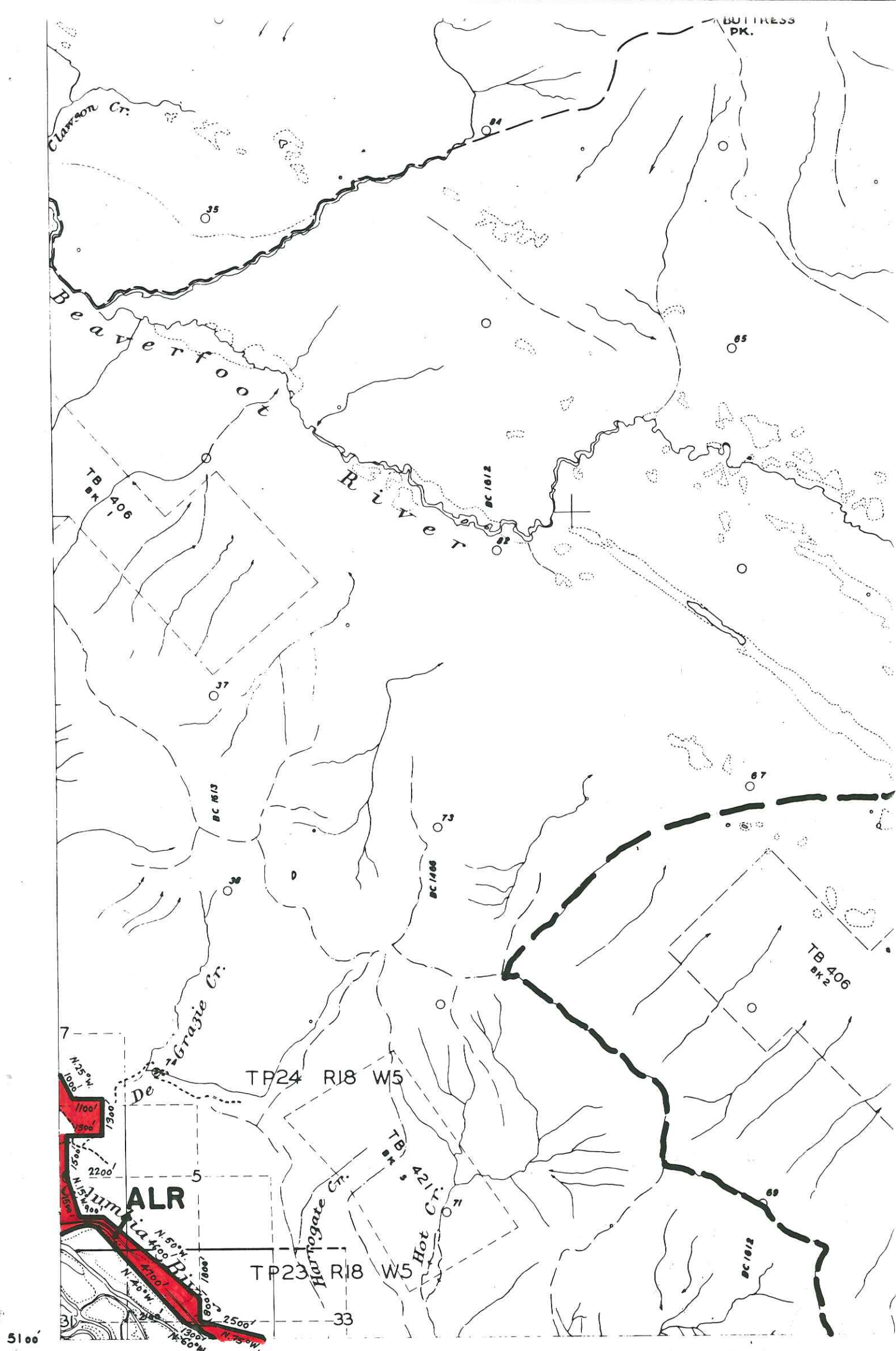












# LEGEND

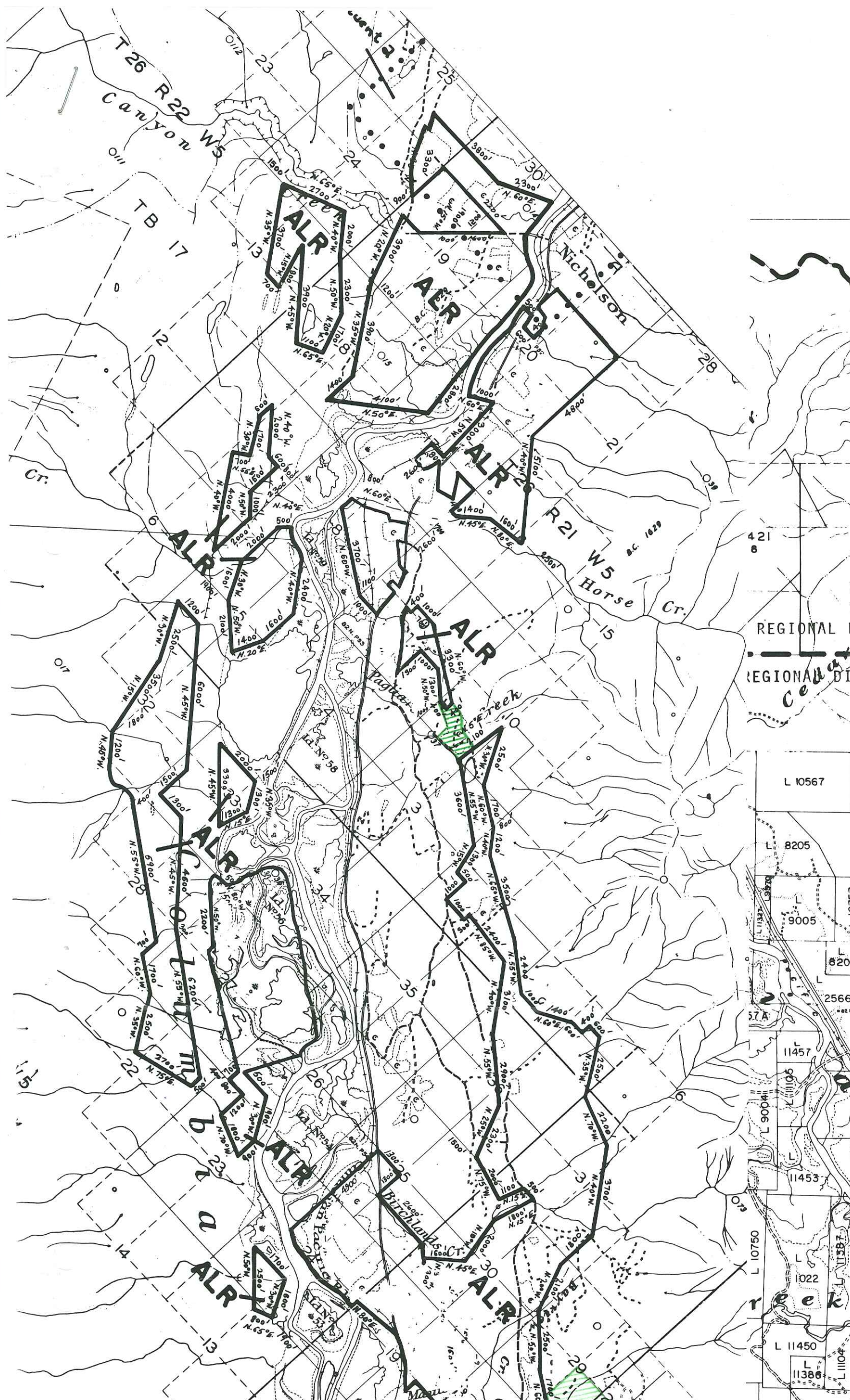
- Boundary of Agricultural Land Reserve (ALR)
- Boundary of Regional District
- Boundary of Land Registration District

I hereby CERTIFY that this  
Agricultural Land Reserve Plan  
Columbia-Shuswap, C.  
Provincial Land Commission, p.  
Commission Act, S.B.C., c. 46  
September, 1974.



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