



Agricultural Land Commission
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www.alc.gov.bc.ca

May 24, 2022

ALC Inquiry: 52517

Town of Princeton

Attn: Carrie Kassa - Manager of Corporate Services and Deputy Corporate Officer

DELIVERED ELECTRONICALLY

CKassa@princeton.ca

Dear Carrie Kassa,

RE: Princeton Municipal Campground

This letter is further to your correspondence, received by electronic mail on May 13, 2022 and May 18, 2022. The purpose of the correspondence was to confirm whether section 23(2) of the *Agricultural Land Commission Act* (ALCA) applies to the Princeton Municipal Campground, located on the property. More specifically, the correspondence aimed to determine whether the proposed construction of an upgraded washroom facility in the Campground is permitted in the ALR. The existing washrooms were damaged in the November 2021 flooding events.

Section 23(2) of the ALCA states:

Exceptions

23(2) The restrictions on the use of agricultural land do not apply to land lawfully used for a non-farm use, established and carried on continuously for at least 6 months immediately before December 21, 1972

Section 23(3) provides greater certainty, stating that the exception in subsection (2) applies only to the land that was actually being used for a non-farm use and not to the entire parcel on which that use was being carried on.

Where applicable, section 23(2) of the ALCA provides an exception from the restrictions on the use of agricultural land set out in the ALCA and its regulations (the Agricultural Land Reserve Use Regulation and Agricultural Land Reserve General Regulation), such as the restrictions on non-adhering residential use, non-farm use, and soil and fill use.

The section 23(2) of the ALCA exception is limited and does not provide a general exemption from the ALCA or its regulations. The land remains within the Agricultural Land Reserve (the “ALR”) and the ALR notation remains on the certificate of title. For example, the exception does not apply to the ALCA’s restriction on subdivision of land in the ALR.

The Agricultural Land Commission (the “ALC”) has confirmed that the section 23(2) exception to restrictions on the use of agricultural land applies to the property based on the following facts:

1. Currently, the property is legally described as:
PID: 018-238-823
CURRENT LEGAL DESCRIPTION: Block B District Lot 1091 Land District 54 Except Plan KAP75166
2. The siting of the Princeton Municipal Campground is in the northern portion of the property. The campground use area is bounded by the Similkameen river to the north and the Crowsnest Highway to the south.
3. The Princeton Municipal Campground was an operating campground prior to the establishment of the ALR on December 21, 1972 and has operated continuously.
4. The siting of the proposed upgraded washroom facility is replacing existing infrastructure and is within the existing historic campground use area.

As stated above, the property remains in the Agricultural Land Reserve and is otherwise subject to the ALCA and its regulations.

Please be advised that this 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.

Please note that this confirmation of "exception" from the restrictions on the use of agricultural land in the ALCA and its regulations 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 or compel a local government to re-designate or re-zone the property for non-agricultural uses.

Please direct further correspondence with respect to this letter to ALC.Okanagan@gov.bc.ca.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION



Kim Grout, ALC Chief Executive Officer

Enclosures:

- Confirmation of Historic Use: Letter from Lyle Thomas, Chief Administrative Officer – Town of Princeton
- Sketch plan of proposed facility upgrade
- Map of Princeton Municipal Campground
- Parcel Report of entire property

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