



**Agricultural Land Commission**  
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August 27, 2008

Reply to the attention of Brandy Ridout  
ALC File: **H-38012**

R.G. (Bob) Holtby, P.Ag  
670 - 17th Street, SE  
Salmon Arm, BC V1E1W2

Dear Mr. Holtby:

**Re: Application to subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution #448/2008 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in blue ink, appearing to read 'Erik Karlsen', is written over the 'Per:' label.

Erik Karlsen, Chair

cc: Columbia Shuswap Regional District (LC2377-F)

Enclosure: Minutes  
BR  
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## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on August 7, 2008 in Vernon, BC.

<b>PRESENT:</b>	Roger Mayer	Chair, Okanagan Panel
	Sid Sidhu	Commissioner
	Gerald Zimmermann	Commissioner
	Brandy Ridout	Staff

### For Consideration

Application:	#H-38012
Applicant:	Joe Woroby
Agent:	R.G. (Bob) Holtby, P.Ag
Proposal:	To subdivide the 64 ha subject property into three (3) parcels: Lot 1 (14 ha), Lot 2 (27 ha) and Lot 3 (23 ha). All of proposed Lot 3 lies outside the ALR.
Legal:	PID: 008-149-283 The South West ¼, Section 24, Township 23, Range 11, W6M, Kamloops Division Yale District
Location:	4374 Meadow Creek, Road, North of Celista

### Site Inspection

A site inspection was conducted on August 7, 2008. Those in attendance were:

- Roger Mayer           Chair, Okanagan Panel
- Sid Sidhu              Commissioner
- Gerald Zimmermann Commissioner
- Brandy Ridout       Staff
- Joe Woroby           Applicant
- Trevor Woroby       Applicant's brother
- Bob Holtby           Agent

Mr. Holtby confirmed that the staff report dated June 30, 2008 was received and no errors were identified.

Subdivision along the ALR boundary was discussed and it was indicated by the applicant that the portion of the property lying north of the ALR boundary was too steep to provide a building site. As such, the proposal included the portion of the property lying to the north of Meadow Creek Road with the non-ALR area.

### Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. 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.

## Discussion

### **Assessment of Agricultural Capability**

The agricultural capability of the soil of the ALR portion of the subject property is improvable to Class 4 with limitations of stoniness and soil moisture deficiency. Class 4 land has limitations that require special management practices or severely restrict the range of crops, or both. The applicant's agent indicates that it is inappropriate to consider the improved ratings in this case as irrigation water is not available. As such, he indicates that the agricultural capability ratings should be Class 5 with limitations of soil moisture deficiency and stoniness.

With regard to water availability for irrigation, Mr. Holtby indicates that the applicant does not hold a water licence to irrigate the property and wells in the area are estimated to produce about 20 US gallons/minute (enough to irrigate about 2 ha). He states that this flow rate does not provide enough water to irrigate the property and consequently, irrigation is assumed to be not feasible. It is his opinion that the best agricultural use of the property is forage production and given the small acreage, it does not have sufficient potential for a commercial forage operation but could easily provide enough forage for a hobby farm or farms.

### **Assessment of Agricultural Suitability**

The Commission assessed whether factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are factors that render the land unsuitable for agricultural use.

### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long-term goal of preserving agricultural land. The Commission noted that the property could be subdivided along the ALR boundary without application to create 2 non-ALR lots and one approximately 32 ha ALR lot.

While the Commission recognized that the subject property was currently not being farmed, it noted that the ALR portion of the subject property was of a similar agricultural capability to the cleared property to the southeast that was currently used for hay production. Without irrigation, the Commission believed that the 32 ha ALR area of the subject property could be used for forage production. Typically in forage operations, larger properties are more useful to agriculture than smaller lots. As such, the Commission believed that the ALR portion of the property had more agricultural value as a single unit and that subdivision would negatively impact the agricultural opportunities available to the subject property in the long-term.

### **Conclusions**

1. That the ALR portion of the subject property has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will have a negative impact on agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.



**IT WAS**

**MOVED BY:** Commissioner Sidhu  
**SECONDED BY:** Commissioner Mayer

THAT the application to subdivide the 64 ha subject property into three (3) parcels: Lot 1 (14 ha), Lot 2 (27 ha) and Lot 3 (23 ha outside the ALR) be refused on the grounds that the land has agricultural capability and more agricultural value as a single unit.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- S.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.*
- (2) *The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

**CARRIED**  
**Resolution #448/2008**