



**Agricultural Land Commission**  
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December 19, 2008

Reply to the attention of Brandy Ridout  
ALC File: **H-38450**

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 #813/2008 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 black ink, appearing to read 'Erik Karlsen', written over a light blue horizontal line.

Erik Karlsen, Chair

Enclosure: Minutes

cc: Columbia Shuswap Regional District (LC2394-B)

BR/  
i/38450d1



A meeting was held by the Provincial Agricultural Land Commission on December 15, 2008 by conference call.

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

### **For Consideration**

Application:	#H-38450
Applicant:	Julia Sievwright
Agent:	R.G. (Bob) Holtby, P.Ag
Proposal:	To subdivide the 4.0 ha subject property into two (2) lots of approximately 2.0 ha.
Legal:	PID: 012-597-112 Lot 1, Section 31, Township 22, Range 1, W6M, Kootenay District, Plan 12142, EXCEPT Parts Included in Plans 12314, 13466 and NEP72289
Location:	4737 Airport Way, Revelstoke

### **Site Inspection**

A site inspection was conducted on December 6, 2008. Those in attendance were:

- Sid Sidhu                      Commissioner
- Bob Holtby                    Agent

Mr. Holtby confirmed that the staff report dated November 18, 2008 was received and no errors were identified.

### **Commissioner Eligible to Vote**

Commissioners Mayer and Zimmermann were not present at the site inspection. It was confirmed that a summary of the site inspection was provided thus establishing the Commissioners' eligibility to vote on the application.

### **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**

With regard to the subdivision history of the subject property, in 1980, the Commission approved application #H-05754 which divided a 35.2 ha property into four lots. Subsequently in 1995, the Commission allowed the further subdivision of one of the resulting 8.8 ha lots into two lots of roughly equal size – one of which is the current subject property.

With regard to planning in the area, in 1987, the CSRD proposed replacement of the OSP by a Rural Land Use Bylaw (RLUB) which would eliminate the Agriculture designation and which would designate the ALR in the Mount Cartier area by an 8 ha designation except at the McKay Creek fan, which would have a 2 ha designation. The Commission objected and asked that the 60 ha and 4 ha designations be used, respectively. The bylaw was subsequently adopted with a 4 ha designation over the entire ALR at Mount Cartier. The Commission did not object but wrote to state that “it should be understood that this does not imply concurrence with the further subdivision of those ALR lands designated in the ‘Small Holdings’ zone within the ALR”.

In a letter to the CSRD dated September 28, 2007, the Commission indicated its non-support of a ‘Rural Residential’ designation of the ALR south of Revelstoke in the Electoral Area ‘B’ Official Community Plan as the designation would permit the subdivision of larger parcels into lots as small as 2 ha.

### **Assessment of Agricultural Capability**

The unimproved agricultural capability of the soil of the subject property is 70% Class 5 with a limitation of inundation (flooding by streams, etc.) and 30% Class 2 with limitations of topography. Class 2 land has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both. Class 5 land has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

As Mr. Holtby has indicated that there is no ability to irrigate from McKay Creek since no water licence is available and well water irrigation is considered infeasible, the unimproved ratings have been quoted above.

### **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 noted that while there were challenges to the suitability of the property for agriculture, subdividing it further would further reduce its suitability.

### **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 believes that a further reduction in size to 2 ha would have a negative impact on the suitability of the property for agriculture. The Commission was also concerned about the impact on the adjacent properties if subdivision was allowed, including increased rural residential use in the area and raising expectations that subdivision to 2 ha would generally be allowed in the area.

## Conclusions

1. That the Commission recently indicated its non-support of a 'Rural Residential' designation of the ALR south of Revelstoke in the Electoral Area 'B' Official Community Plan as the designation would permit the subdivision of larger parcels into lots as small as 2 ha.
2. That the land under application has agricultural capability and is appropriately designated as ALR.
3. That a further reduction in parcel size would reduce the suitability of the land under application for agricultural use.
4. That the proposal will have a negative impact on agriculture.

## IT WAS

**MOVED BY:** Commissioner Sidhu  
**SECONDED BY:** Commissioner Zimmermann

THAT the application to subdivide the 4.0 ha subject property into two (2) lots of approximately 2.0 ha be refused.

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 #813/2008**