



**Agricultural Land Commission**  
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January 31, 2008

Reply to the attention of Brandy Ridout  
ALC File: T-36759

Bob Holtby  
Regency Consultants Ltd.  
670 – 17<sup>th</sup> Street SE  
Salmon Arm, BC V1E 1W2

Dear Mr. Holtby:

**Re: Request for Reconsideration**

Further to your letter of February 23, 2007, the Commission has given careful consideration to your request for reconsideration.

For your information, please find enclosed the Minutes of Resolution #704/2008 outlining the Commission's decision. As agent, it is your responsibility to notify your clients accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the 'Per:' label. The signature is fluid and cursive.

Erik Karlsen, Chair

cc: Regional District of North Okanagan (06-0088-F-ALR)

Enclosure: Minutes

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## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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**A meeting was held by the Provincial Agricultural Land Commission on January 28, 2008 in Kelowna, BC.**

<b>PRESENT:</b>	Sue Irvine	Chair, Okanagan Panel
	Sid Sidhu	Commissioner
	Roger Mayer	Commissioner
	Martin Collins	Staff
	Brian Underhill	Staff

### **For Consideration**

A letter from Bob Holtby of Regency Consultants was received February 27, 2007 requesting that the Commission reconsider its decision recorded as Resolution #394/2006.

Application:	# T- 36759
Applicant:	James and Larry Segboer
Agent:	Bob Holtby, Regency Consultants Ltd.
Proposal:	To reconsider the Commission's decision under Resolution #394/2006.
Legal:	PID: 024-694-967
Location:	Lot B, District Lot 526, Kamloops Division Yale District, Plan KAP66151 394 Old Sicamous Road

### **Context**

The request was considered in the context of Section 33(1) of the *Agricultural Land Commission Act* (the "Act"), which states:

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, or
- (c) a recommendation by a facilitator under section 13 relating to a dispute warrants a reconsideration of the original decision.

### **Discussion**

The Commission recalled that a request for reconsideration was previously submitted on December 21, 2006 which included a report compiled by Regency Consultants. An inspection of the property led to a questioning of the accuracy of the interpretation of the Land Classification that was used in the decision. As such, the report cited both part a and part b of Section 33(1) of the *Agricultural Land Commission Act* as basis for reconsideration. After a review of the information provided, the Commission did not consider that evidence not available at the time of the original decision had become available (part a), or that all or part of the original decision was based on evidence that

was in error or was false (part b). A reconsideration was not undertaken at that time. This was communicated in the Commission's letter of January 4, 2007.

As the February 23, 2007 letter from Regency Consultants requested further reconsideration, the Commission reviewed all of the file material again.

The Commission noted that the conclusions of the Regency Consultants report of December 21, 2006 state:

- 1. The ability of the land to produce a range of crops is constrained by field size, leached subsoil, and shading by the hillside on the west of the property.*
- 2. Logically, I would expect the property to produce forages consistent with Class 5 CLI ratings. Soils improvements and irrigation can be expected to improve yields but not the range of crops.*
- 3. The old feedlot area on Field 1 can be used for rough pasturage and buildings. I would not expect that non soils agriculture could be developed to a great extent limited by lack of adjacent forage fields and difficulties in manure disposal.*
- 4. Since the main attribute of the parcels will be for forage production, I do not expect conflict between the occupiers of these parcels and the neighbours because of shared rural values. This is not a property that would attract people seeking urban attributes.*

The Commission considered whether evidence not available at the time of the original decision has become available or whether all or part of the original decision was based on evidence that was in error or was false.

Upon review of all the material contained in the application, including the December 21, 2006 package and the February 23, 2007 letter, it was the opinion of the Commission that reconsideration was unwarranted.

**IT WAS**

**MOVED BY:** Commissioner Sidhu

**SECONDED BY:** Commissioner Irvine

THAT the request to reconsider the application be refused.

**CARRIED**

**Resolution #704/2008**