



**Agricultural Land Commission**  
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Burnaby, British Columbia V5G 4K6  
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January 13<sup>th</sup>, 2011

Reply to the attention of Brandy Ridout  
ALC File 51634

David Church  
#900 - 1040 W. Georgia St.  
Vancouver, B.C.  
V6E 4H1

Dear Sir:

**Re: Request for Reconsideration**

This is further to your letter of September 1, 2010 in which you asked the Provincial Agricultural Land Commission to reconsider Resolution #2495/2010.

The Commission has reconsidered the matter and has attached the Minutes of Resolution #2843/2010 outlining its latest decision.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Brian Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

cc: Columbia Shuswap Regional District (LC2424C)

Enclosure: Minutes

MC/d2



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 25<sup>th</sup>, 2010 at Kelowna, B.C.

<b>PRESENT:</b>	Roger Mayer	Chair, Okanagan Panel
	Jim Johnson	Commissioner
	Sylvia Pranger	Commissioner
	Martin Collins	Staff
	Brandy Ridout	Staff

### For Consideration

A September 1, 2010 letter from David Church was received requesting that the Commission reconsider its decision to refuse the exclusion of 44 ha recorded as Resolution #2495/2010. The letter indicated that the Commission's decision was based on incorrect or misleading information.

Application:	51634
Applicant:	David Church
Agent:	Bob Holtby
Original proposal:	To exclude 44 ha of the 64 ha parcel from the ALR; subdivide a 2 ha lot from the 20 ha remainder, and consolidate the remaining 18 ha with the 22 ha parcel.
Original decision:	Refuse as proposed
Current proposal:	As noted above
Legal:	PID 008-722-668 SE ¼, Sec. 12, Twp 22, R. 11, W6M, KDYD PID 013-795-881 NE ¼ of Sec. 1, Twp 22, R. 11, W6M, KDYD, Except Plans B5844. and 20611.
Location:	Notch Hill, south of Sorrento

### Context

The proposal was considered under Section 33 of the Agricultural Land Commission Act (the "Act") which states:

- S33(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
- evidence not available at the time of the original decision has become available,
  - all or part of the original decision was based on evidence that was in error or was false, or
  - a recommendation by a facilitator under section 13 relating to a dispute warrants a reconsideration of the original decision.

The Commission believed that the applicant had provided evidence that there were errors in the staff report that were not acknowledged in the decision minutes, and formed the basis for the decision to refuse the application. As such the Commission agreed to reconsider the application.

**Commissioner Eligible to Vote**

Commissioners. S. Pranger and J. Johnson were not present at the site inspection. It was confirmed that a summary of the site inspection and file material was provided thus establishing the Commissioner's eligibility to vote on the application.

**Discussion**

The Commission discussed the applicant's submission, Bob Holtby's September 28<sup>th</sup>, 2009 Report, and other relevant file material. Roger Mayer provided a verbal summary of his impressions of the property arising from the June 9, 2010 site visit.

The Commission did not find the arguments provided in D. Church's September 1, 2010 submission to be compelling. While it was recognized that there were minor discrepancies in the decision minutes, the applicant has not provided evidence that the subject land cannot be used for agricultural purposes. The Commission does not accept the argument that the land proposed for exclusion, or portions thereof, cannot be cultivated. Also it is possible that water can be captured and stored in open ponds and that livestock can be raised on the properties. Therefore it believes that retention of the subject land in the ALR is warranted

The subject land is located in an agricultural area characterized by large farm parcels. Soil and climate conditions do not preclude the agricultural use of the land. As such, the Commission does not believe that exclusion and subdivision are consistent with its mandate to preserve agricultural land and encourage farming.

**IT WAS**

**MOVED BY:** Commissioner R. Mayer  
**SECONDED BY:** Commissioner S. Pranger

THAT for the purposes of Section 33(2) of the *Agricultural Land Commission Act*, there are no persons it considers affected by the reconsideration.

AND THAT the request for reconsideration is granted,

AND THAT upon reconsideration, the original decision made by Resolution #2495/2010 be confirmed.

This decision 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.

**CARRIED**

**Resolution # 2843/2010**