



Agricultural Land Commission
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November 1, 2016

ALC File: 54921

Mary Worthington
5368 Upper Houseman Road
100 Mile House, BC
V0K 2E0

Dear Ms. Worthington:

Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Interior Panel (Resolution # 362/2016) as it relates to the above noted application. As agent, it is your responsibility to notify the applicant accordingly.

Reconsideration of a Decision as Directed by the ALC Chair

Please note that pursuant to [s. 33.1 of the *Agricultural Land Commission Act*](#), the Chair may direct the executive committee to reconsider any panel decision if, within 60 days from the date of this decision, he considers that the decision may not fulfill the purposes of the commission as set out in s. 6, or does not adequately take into consideration s. 4.3.

You will be notified in writing if the Executive Committee is directed to reconsider your decision. The Commission advises you to take this 60 day period into consideration prior to proceeding with any actions upon this decision.

Reconsideration of a Decision by an Affected Person

We draw your attention to [s. 33\(1\) of the *Agricultural Land Commission Act*](#) which provides a person affected the opportunity to submit a request for reconsideration.

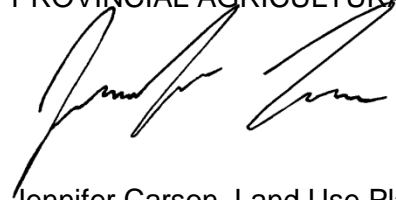
- 33(1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that:
- (a) evidence not available at the time of the original decision has become available,
 - (b) all or part of the original decision was based on evidence that was in error or was false.

For further clarity, s. 33.1 and s. 33(1) are separate and independent sections of the *Agricultural Land Commission Act*.

Further correspondence with respect to this application is to be directed to Jennifer Carson at (Jennifer.Carson@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read 'Jennifer Carson', is written over the text of the Provincial Agricultural Land Commission.

Jennifer Carson, Land Use Planner

Enclosure: Reasons for Decision (Resolution #362/2016)

cc: Cariboo Regional District (File: 3015-20/H20160013)

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AGRICULTURAL LAND COMMISSION FILE 54921

REASONS FOR DECISION OF THE INTERIOR PANEL

Application submitted pursuant to s. 21(2) of the *Agricultural Land Commission Act*

Applicants:

**Mary Worthington
Francis Worthington
(the “Applicants”)**

Agent:

**Mary Worthington
(the “Agent”)**

Application before the Interior Regional Panel:

**Lucille Dempsey, Panel Chair
Richard Mumford
Roger Patenaude**



THE APPLICATION

[1] The legal description of the property involved in the application is:

Parcel Identifier: 013-348-736

The Fractional Southwest 1/4 of District Lot 2966, Lillooet District, Except Plans 20811, 25500 and KAP84756

(the "Property")

[2] The Property is 29.7 ha in area.

[3] The Property has the civic address 5368 Upper Houseman Road, 100 Mile House.

[4] The Property is located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").

[5] The Property is located within Zone 2 as defined in s. 4.2 of the *ALCA*.

[6] Pursuant to s. 21(2) of the *ALCA*, the Applicants are applying to subdivide the Property into two parcels, one of 10.0 ha and one of 19.0 ha. The Applicants indicate that the second parcel would be for their son and daughter-in-law in order to allow them to build their own home. The Applicants indicate that their son has done the preliminary work of drilling a well to demonstrate water accessibility (the "Proposal"). The Proposal along with supporting documentation is collectively the application (the "Application").

RELEVANT STATUTORY PROVISIONS

[7] The Application was made pursuant to s. 21(2) of the *ALCA*:

21(2) An owner of agricultural land may apply to the commission to subdivide agricultural land.

[8] The Panel considered the Application pursuant to its mandate in s. 4.3 of the *ALCA*:

- 4.3 When exercising a power under this Act in relation to land located in Zone 2, the commission must consider all of the following, in descending order of priority:
- (a) the purposes of the commission set out in section 6;
 - (b) economic, cultural and social values;
 - (c) regional and community planning objectives;
 - (d) other prescribed considerations.

[9] The purposes of the Agricultural Land Commission (the “Commission”) set out in s. 6 are as follows:

- 6 The following are the purposes of the commission:
- (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
 - (c) 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.

EVIDENTIARY RECORD BEFORE THE PANEL

[10] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Previous application history
4. Agricultural capability map, ALR context map, and satellite imagery
5. Letter from Tammy Briggs, P. Ag dated August 11, 2016

All documentation noted above was disclosed to the Agent in advance of this decision.

[11] At its meeting of August 26, 2016, the Cariboo Regional District resolved to forward the application to the Commission with the recommendation for approval.



[12] The Panel reviewed previous application involving the Property:

Application ID: 42170
Legacy File: 36134
(Worthington, 2005)

To subdivide a 13.2 ha parcel and a 28.4 ha parcel from the 41.6 ha property. The Commission approved the application on the grounds that the subject property was already topographically split into two parts by a ravine. The Commission also noted that the two portions of the property had already been farmed as separate units for 30 years. Approved by ALC Resolution #189/2005.

Note: The subdivision approved by ALC Resolution #189/2005 resulted in the current configuration of the Property.

SITE VISIT

[13] The Panel, in the circumstances of the Application, did not consider it necessary to conduct a site visit to the Property based on the evidentiary record associated with the Application.

FINDINGS

Section 4.3(a) and Section 6 of the ALCA: First priority to agriculture

[14] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system. The improved agricultural capability ratings identified on CLI map sheet 92P/11 for the mapping units encompassing the Property are Class 2 and Class 4; more specifically the northeastern half of the Property is unimprovable from (4T) and the remainder is improvable to (8:4T- 2:2C).

Class 2 - land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in management.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

The limiting subclass associated with this parcel of land is T (topographic limitations) and C (adverse climate).

[15] In addition, the Panel received a letter from a professional agrologist, prepared by Tammy Briggs, dated August 11, 2016 (the "Briggs Report"). The Briggs Report finds that *"the property has in the past been used as a hobby farm. It is fenced; a well-developed trail system exists as do barns, gardens and a home. The property is currently limited by the level of field development and irrigation capacity. The relatively small size of the property limits large scale farming and ranching as traditionally practised in the Cariboo-Chilcotin. The highest and best use of this property is small scale agriculture."* The Briggs Report further stated *"It is my opinion that the subdivision of this property into two moderate lots does not preclude or limit the future agricultural potential of this property"*.

[16] The Panel reviewed the CLI ratings and the Briggs Report and find that the Property does have relatively good agricultural capability for the area. Further, with historical farming on the Property demonstrates its agricultural potential with minor limitations to farming.

[17] It has been the Commission's experience that smaller parcels do not lead to more agricultural use. Further, the impact of an additional home and infrastructure on the Property will reduce the agricultural land base on which agricultural activities can take place.

Section 4.3(b) of the ALCA: Second priority to economic, cultural and social values

[18] While respectful of the personal benefits that would accrue to the Applicants and their family members if the proposed subdivision is approved, the Panel finds that the Applicants' comments with regard to economic, cultural and social values whether considered individually or collectively, would be insufficient to outweigh the first priority that must be given to agriculture relative to land that is both capable and suitable for agricultural use.



Section 4.3(c) of the ALCA: third priority to regional and community planning objectives

[19] The proposed subdivision is consistent with the Official Community Plan and the current zoning designation. It was noted that the planning staff did not support the application and recommended refusal, however, the Panel learned from an email from Karen Moores that the planner at the time of writing the report and making the recommendation did not have the letter from the professional agrologist.

Weighing the factors in priority

[20] The Panel believes that the Property has agricultural capability and potential.

[21] Subdivision of the Property would increase the building footprint on the land, taking away land from agricultural production.

[22] The Panel gave consideration to economic, social and cultural values and regional and community planning objectives planning as required by s. 4.3. In this case, the Panel finds that these considerations are not contributory to the decision given the Panel's finding following its review of the agricultural considerations.

DECISION

[23] For the reasons given above, the Panel refuses the Proposal.

[24] These are the unanimous reasons of the Interior Panel of the Agricultural Land Commission.

[25] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *Agricultural Land Commission Act*.

[26] This decision is recorded as Resolution #362/2016 and is released on November 1, 2016.



A handwritten signature in black ink that reads 'L. Dempsey'.

Lucille Dempsey, Panel Chair, on behalf of the Interior Panel

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