



December 16, 2016

Agricultural Land Commission
133–4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

ALC File: 54829

Kristopher Henderson
Heather Sadler Jenkins LLP
#204-1302 Seventh Avenue
Prince George, BC V2L 3P1

Attention: Kristopher Henderson

Re: Application to Conduct a Non-Farm Use in the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the North Panel (Resolution #436/2016) 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 Jess Daniels at (Jessica.Daniels@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink that reads "Jess Daniels". The signature is written in a cursive, flowing style.

Jess Daniels, Land Use Planner

Enclosure: Reasons for Decision (Resolution #436/2016)

cc: Fraser-Fort George Regional District (File: ALR 3223)

54829d1



AGRICULTURAL LAND COMMISSION FILE 54829

REASONS FOR DECISION OF THE NORTH PANEL

Application submitted pursuant to s. 20(3) of the *Agricultural Land Commission Act*

Applicant: **Ruddick Developments Ltd.**
(the “Applicant”)

Agent: **Heather Sadler Jenkins LLP**
(the “Agent”)

Application before the North Regional Panel: **Dave Merz, Panel Chair**
Sandra Busche



THE APPLICATION

[1] The legal description of the properties involved in the application are:

Property 1

Parcel Identifier: 004-076-401

District Lot 3030, Cariboo District, Except Plan A1213

Area: 47.6 ha

Property 2

Parcel Identifier: 004-076-451

The North West ¼ of District Lot 3223, Cariboo District

Area: 61.7 ha

Property 3

Parcel Identifier: 017-435-099

Block A, District Lot 3029, Cariboo District

Area: 19.1 ha

(collectively the “Properties”)

[2] The Properties are generally located at 5595, 5755 Thorley Road, north of Quesnel.

[3] The Properties are located within a designated agricultural land reserve (“ALR”) as defined in s. 1 of the *Agricultural Land Commission Act* (the “ALCA”).

[4] The Properties are located within Zone 2 as defined in s. 4.2 of the ALCA.

[5] Pursuant to s. 20(3) of the ALCA, the Applicants are applying to bind by restrictive covenant 3 properties together in order to allow a maximum of three houses and three trailers on one Property which would be clustered with the existing buildings and facilities. The non-farm use area would comprise a total of 6 ha. The rationale of the proposal is to develop a family

farm and limit housing development to one area to maximize the land available for agriculture on the remaining two properties (the “Proposal”). The Proposal along with supporting documentation is collectively the application (the “Application”).

RELEVANT STATUTORY PROVISIONS

[6] The Application was made pursuant to s. 20(3) of the *ALCA*:

20(3) An owner of agricultural land or a person with a right of entry to agricultural land granted by any of the following may apply to the commission for permission for a non-farm use of agricultural land.

[7] 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.

[8] 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

[9] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Agricultural capability map, ALR context map, and satellite imagery

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

[10] At its meeting of May 16, 2016 the Regional District of Fraser-Fort George (the “RDFFG”) resolved to forward the application to the Commission with a recommendation for approval.

SITE VISIT

[11] On August 16, 2016, Commissioner Merz conducted a walk-around site visit in accordance with the *Policy Regarding Site Visits in Applications* (the “Site Visit”).

[12] A site visit report was prepared in accordance with the *Policy Regarding Site Visits in Applications*. The site visit report was certified as accurately reflecting the observations and discussions of the Site Visit by Kristopher Henderson of Heather Sadler Jenkins LLP (Agent) on September 12, 2016 (the “Site Visit Report”).

FINDINGS

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

[13] 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 93G/07 for the mapping units encompassing the Properties are approximately as follows:



Property 1: 20% (4X), 20% (7:7TP-3:7TE), 15% (7:7TP-3:7TE), 10% (3X), 15% (7TE), 5% (7:3M-3:4M), 5% (7:7TP-3:7TE), 10% (6:3X-4:4TD)

Property 2: 50% (3X), 25% (4TD), 25% (4X)

Property 3: 75% (5PT), 10% (5MP), 5% (4TD)

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

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

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

Class 7 - land has no capability for soil bound agriculture.

The limiting subclasses associated with this parcel of land are M (moisture deficiency), P (stoniness) and T (topographic limitations) X (combination of soil factors), E (elevation, D (desirable soil stricture).

[14] The Panel reviewed the CLI ratings and find that the Properties have agricultural capability.

[15] The Applicant states that 20% of the Properties are currently used for hay production and 80% are used for cattle grazing. The Applicant states that the purpose of the Proposal is to develop a family farm and maximize land use efficiency by restricting housing development to one localized area and allowing for all other available lands to be used for agricultural purposes.

[16] The Panel considered a number of observations and discussion from the Site Visit Report. During the tour of Property 2, it was noted that the level areas consisted of very productive alfalfa fields on which the current house and other infrastructure are located. The Site Visit Report noted that approximately 80% of the toured area was being grazed by Hereford cattle, however, it was regarded that much of the grazing land is not suitable for intensive farming due to topography and stones. The Applicant indicated that the new houses would be built on a steep hill on Property 2 which he stated has little to no agriculture capability. The Applicant stated that the land between Property 2 and Property 3 is Crown land on which they have a registered grazing lease.

[17] The Panel notes that Property 2 currently contains one residence and one mobile home, and that the Applicant is proposing to construct two additional single family homes and 2 mobile homes for a total of six dwelling units in an area of 6 ha.

[18] Property 2 and 3 are currently bound by restrictive covenant and that the Applicant has offered to include the binding of Property 1 by restrictive covenant so that the three parcels cannot be sold separately.

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

[19] The Applicant did not provide any information specifically citing economic, cultural and social values.

[20] The Panel notes that the purpose of the Proposal is to develop a family farm.

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

[21] The Properties are designated Agriculture/Resource 1 (Ag/Res 1) within the Hixon-Woodpecker Rural Land Use Bylaw. A maximum of two residences are permitted in the Ag/Res1 zoning, and as such a zoning amendment or rezoning would be required if the Proposal is approved.

Weighing the factors in priority

[22] In reviewing s. 4.3 (a) and the first priority to agriculture, the Panel notes that the Applicants currently use the Properties for grazing and hay production. In considering the 6 ha area requested for the non-farm use, the Panel concurs that clustering residential uses into one area is an efficient way to limit residential intrusion into farmland which will optimize the land use of the three properties for agricultural production. Furthermore, the Panel notes that the area proposed for the new dwellings is located on a steep hill with little to no agriculture capability. For these reasons, the Panel does not believe that the Proposal poses a negative impact to agriculture.

[23] The Panel gave consideration to economic, social and cultural values as required by s. 4.3 (b) and community planning objectives as required by s. 4.3 (c). 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

[24] For the reasons given above, the Panel approves the Proposal.

[25] The Proposal is approved subject to the following conditions:

- a. The registration of a covenant for the purpose of binding the Properties so that they cannot be sold separately; and
- b. The registration of a covenant to restrict the construction or placement of any dwellings on Properties 1 and 3 and that no additional dwellings may be constructed or placed on Property 2.

[26] 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.



[27] These are the unanimous reasons of the North Panel of the Agricultural Land Commission.

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

[29] This decision is recorded as Resolution #436/2016 and is released on December 16, 2016

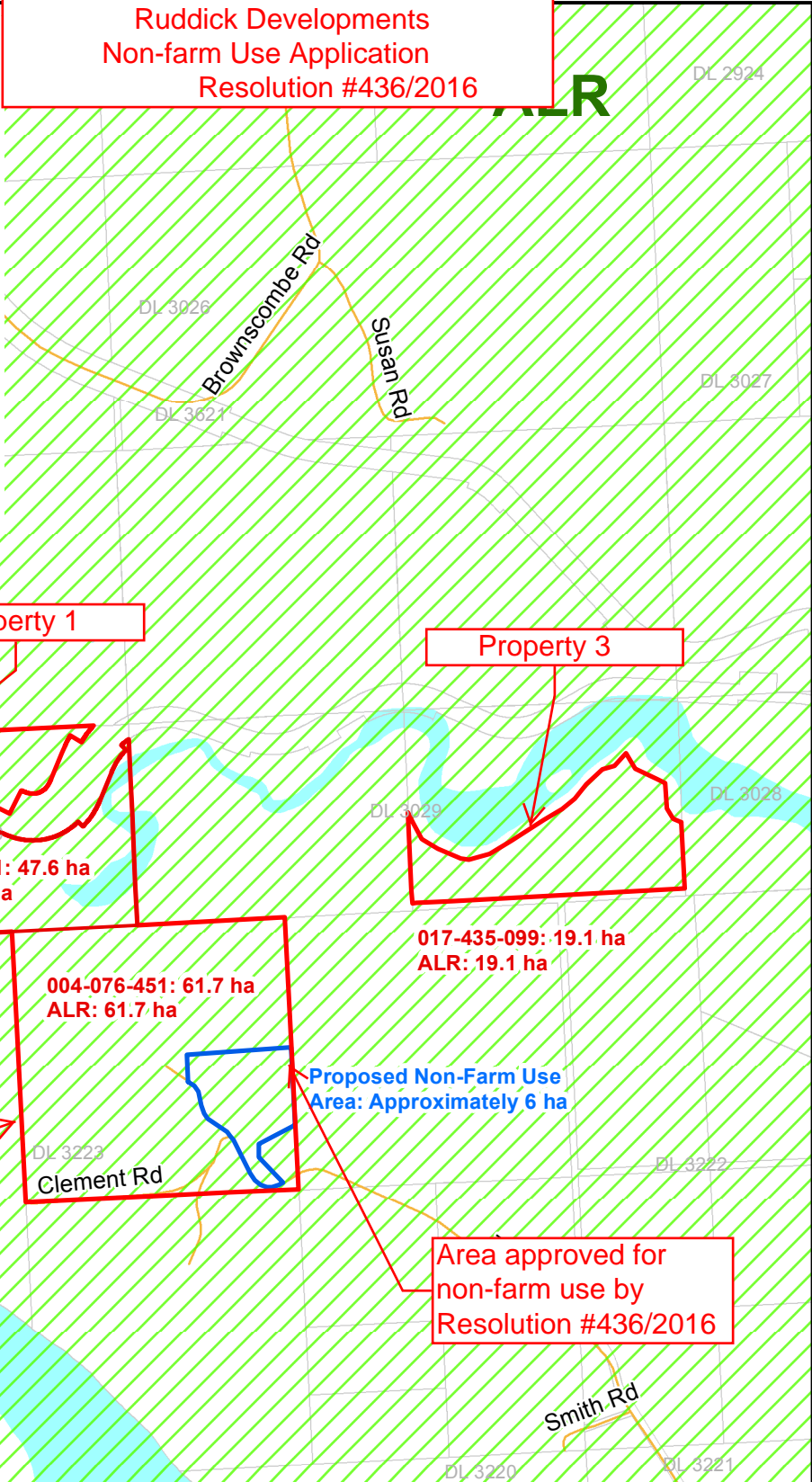
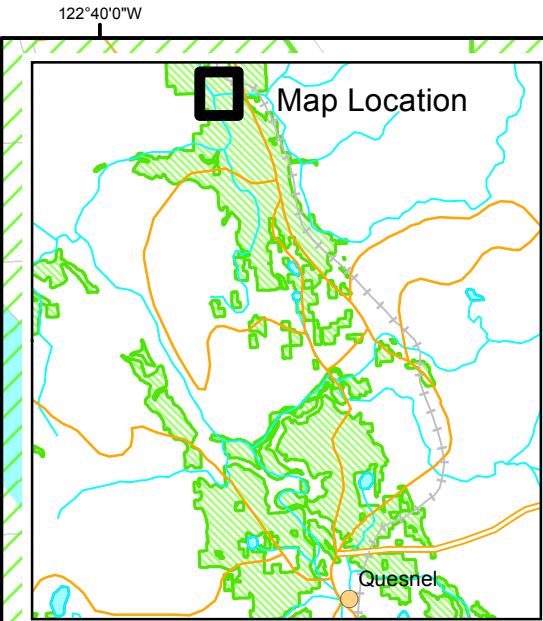
CERTIFICATION OF DECISION

A handwritten signature in black ink, appearing to read 'D. Merz', is written over a horizontal line. The signature is stylized and cursive.

Dave Merz, Panel Chair, on behalf of the North Panel

END OF DOCUMENT

ALC # 54829
Ruddick Developments
Non-farm Use Application
Resolution #436/2016



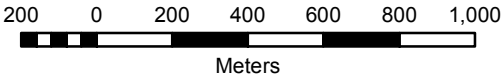
53°26'0"N

122°40'0"W



ALR Context Map

Map Scale: 1:20,000



ALC File #:	54829
Mapsheet #:	93G/07
Map Produced:	June 27, 2016
Regional District:	Fraser-Fort George