



June 14, 2016

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

ALC File: 54869

Michael Kidston
Michael Kidston Land Surveying Ltd.
Via email: mkls@bcinternet.net

Dear Mr. Kidston:

Re: Application to Include Land into the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #204/2016) as it relates to the above noted application. As agent, it is your responsibility to notify your client accordingly. A sketch plan depicting the decision is also attached.

By way of a copy of this letter, the Commission is advising the Registrar of Land Titles of its order and confirming that the ALR notation is to be included on the Certificate of Title of the Property identified as District Lot 13269, Cariboo District.

Please note that pursuant to s. 33.1 of the *Agricultural Land Commission Act*, the Chair may direct the executive committee to reconsider this 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 account the considerations set out in s. 4.3”. I can advise you that in this case, the Chair has already reviewed the decision and has instructed me to communicate to you that he does not intend to exercise that authority in this case.

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, consisting of a stylized 'C' followed by a 'J' and a 'F', all connected together.

Colin J. Fry, Director of Policy and Planning

Enclosures: Reasons for Decision (Resolution #204/2016)
Sketch plan

cc: Cariboo Regional District
Land Titles Office
Julie Pinette, MFLNRO (File: 5407678) - Julie.Pinette@gov.bc.ca

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AGRICULTURAL LAND COMMISSION FILE 54869

REASONS FOR DECISION OF THE INTERIOR PANEL

Application submitted pursuant to s. 17(3) of the *Agricultural Land Commission Act*

Applicant: Province of British Columbia
(the "Applicant")

Agent: Michael Kidston
(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:
Unsurveyed Crown Land, District Lot 13269, Cariboo District
(the “Crown Land”)
- [2] The Crown Land is 65.1 ha in area, with 2.0 ha already situated within the ALR.
- [3] The Crown Land has the civic address 2568 Kroener Road and is located in the community of Horsefly.
- [4] The Crown Land is located within a designated agricultural land reserve (“ALR”) as defined in s. 1 of the *Agricultural Land Commission Act* (the “ALCA”).
- [5] The Crown Land is located within Zone 2 as defined in s. 4.2 of the ALCA.
- [6] Pursuant to s. 17(3) of the ALCA, the Applicant is applying to include the Crown Land into the ALR in order to increase the spring grazing capacity of Woodjam Ranch. A covenant has also been proposed binding the Crown Land to the existing ranch land (the “Proposal”). The Proposal along with supporting documentation is collectively (the “Application”).
- [7] On April 11, the Chair of the Agricultural Land Commission (the “Commission”) referred the Application to the Interior Regional Panel (the “Panel”).

RELEVANT STATUTORY PROVISIONS

- [8] The Application was made pursuant to s. 17(3) of the ALCA:

17(3) On application by an owner of land, the commission may designate all or part of the land described in the application as part of an agricultural land reserve if the commission considers that the designation carries out the intent of this Act.

[9] 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.

[10] The purposes of 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

[11] 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.

SITE VISIT

[12] 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**

[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 rating identified on CLI map sheet 93A/06 for the mapping unit encompassing the Crown Land is 7:5TR - 3:6RT.

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 6 - land is important in its natural state as grazing land. These lands cannot be cultivated due to soil and/or climate limitations.

The limiting subclasses associated with this parcel of land are R (bedrock near the surface) T (topographic limitations).

[14] The Panel reviewed the CLI ratings and finds that the rating indicates the Crown Land can provide sustained natural grazing for domestic livestock, and is consistent with surrounding land.

[15] The Panel also noted that the Crown Land has been partially logged and cleared for pasture and that it makes up part of the summer grazing area for the ranch. The Panel

understands that further logging, clearing, cultivation and seeding are planned in the future to improve the agricultural potential of the Crown Land.

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

[16] The Applicant did not provide any evidence or rationale regarding any economic, cultural and social values that may be pertinent to the Application.

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

[17] The Cariboo Regional District has a *Policy for Inclusion Applications* that they be forwarded directly to the ALC with the following comment: *“The Cariboo Regional District recommends that this application be forwarded to the Agricultural Land Commission with a recommendation for inclusion into the Agricultural Land Reserve.”*

Weighing the factors in priority

[18] The Panel finds that the CLI ratings indicate the Crown Land can provide sustained natural grazing for domestic livestock. Furthermore, as the Property has been used for summer grazing, is surrounded by pasture, hay fields and Crown grazing, and that grazing is the proposed use of this Property, it would be appropriate to protect the land for agricultural use within the ALR.

[19] 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

[20] For the reasons given above, the Panel approves the Proposal to include the Crown Land into the ALR.

[21] 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.

[22] Panel Chair **Lucille Dempsey** concurs with the decision.
Commissioner **Richard Mumford** concurs with the decision.
Commissioner **Roger Patenaude** concurs with the decision.

[23] Decision recorded as Resolution #204/2016.

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

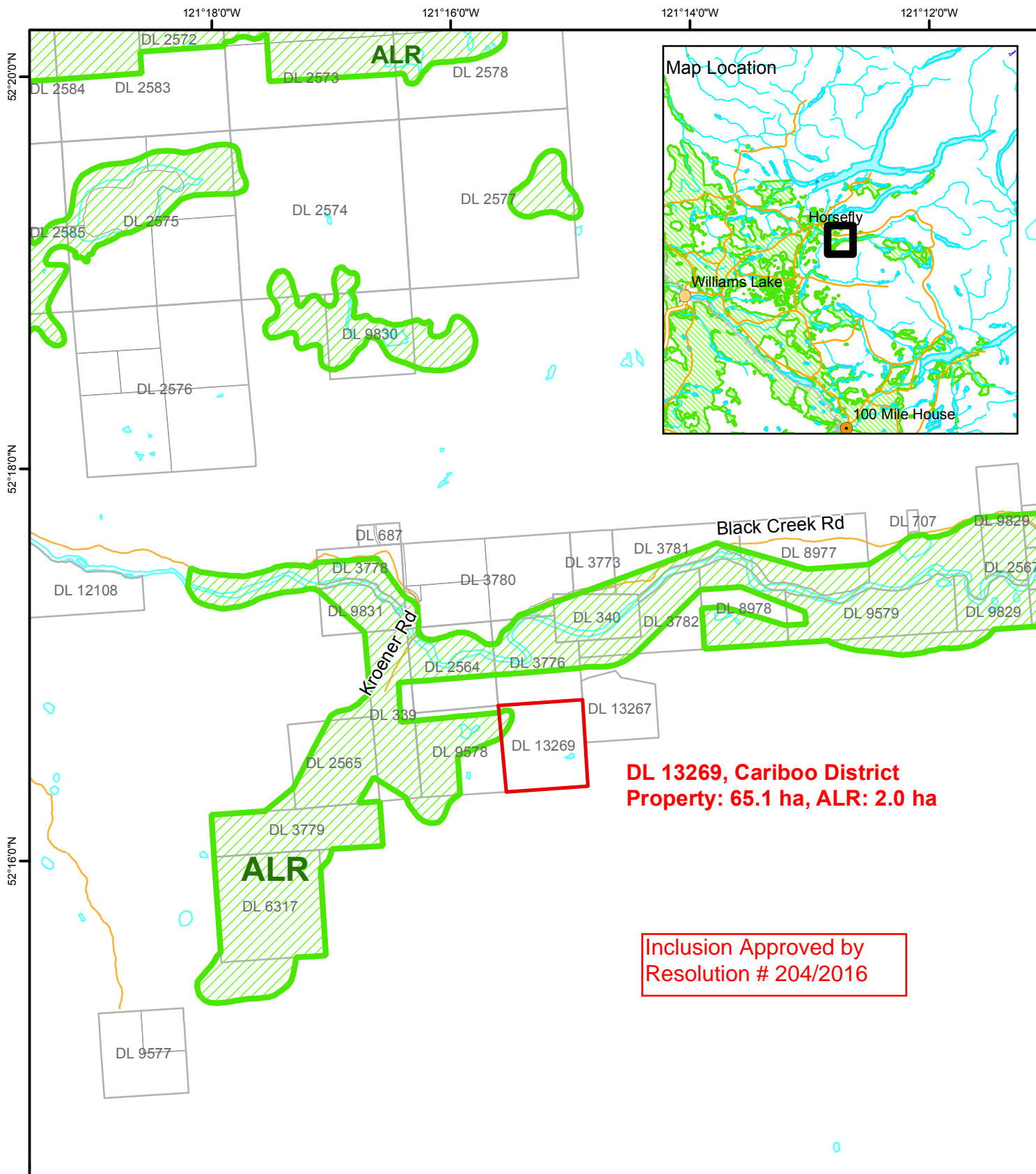
Upon instruction of the Panel, I have been authorized to release the Reasons for Decision by Resolution #204/2016. The decision is effective upon release.



Colin J. Fry, Director of Policy and Planning

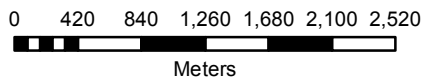
June 14, 2016

Date Released



ALC Context Map

Map Scale: 1:50,000



ALC File #: 54869

Mapsheet #: 93A/06

Map Produced: Mar 3, 2016

Map Altered: April 13, 2016
Regional District: Cariboo