



**Agricultural Land Commission**  
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Burnaby, British Columbia V5G 4K6  
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August 29, 2016

ALC File: 54597

Michael Kidston  
Michael Kidston Land Surveying Ltd.  
Via email: [mcls@bcinternet.net](mailto:mcls@bcinternet.net)

Dear Mr. Kidston:

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

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #316/2016) as it relates to the above noted application. A sketch plan depicting the decision is also attached. As agent, it is your responsibility to notify your clients accordingly.

Please send two (2) paper copies or one (1) electronic copy of the final survey plan to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

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 section 6 or does not adequately take into account the considerations set out in section 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](mailto:Jennifer.Carson@gov.bc.ca)).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Colin J. Fry, Director of Policy and Planning

Enclosures: Reasons for Decision (Resolution #316/2016)  
Sketch plan  
MFLNRO Range Branch Specifications

cc: Thompson-Nicola Regional District (File: ALR 107) via email: [planning@tnrd.ca](mailto:planning@tnrd.ca)



## **AGRICULTURAL LAND COMMISSION FILE 54597**

### **REASONS FOR DECISION OF THE INTERIOR PANEL**

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

**Applicants:**

**Unni Lorenz  
Conrad Lorenz  
(the “Applicants”)**

**Agent:**

**Michael Kidston  
Michael Kidston Land  
Surveying Ltd.  
(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:

**Property 1:**

Parcel Identifier: 013-214-535

District Lot 1631, Lillooet District, Except Plans 30074 and 19488

Area: 28.7 ha

**Property 2:**

Parcel Identifier: 001-492-551

Lot A, District Lot 1630, Lillooet District, Plan 34881

Area: 4.4 ha

**Property 3:**

Parcel Identifier: 004-077-288

Lot 1, District Lot 1631, Lillooet District, Plan 30074

Area: 4.0 ha

(collectively the “Properties”)

[2] The Properties are generally described as being located on Pressy Road, 70 Mile House.

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

[5] Pursuant to s. 21(2) of the *ALCA*, the Applicants are applying to subdivide the Properties into nine parcels, ranging in size from 1.7 ha to 6.7 ha, for rural residential use (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. 21(2) of the *ALCA*:

21(2) An owner of agricultural land may apply to the commission to subdivide 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 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. Previous application history
4. Agricultural capability map, ALR context map and satellite imagery

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

[10] The Panel reviewed two previous applications involving the Property:

Application ID: 30730 Legacy File: 00593 (Pressy Lake Cattle Co. Ltd., 1976)	This application proposed to subdivide the subject property into seven 4.0 ha parcels; this proposal was refused by Resolution #4343/76 on the grounds that the property had agricultural capability which could support a moderate range of commercial agricultural options and that the proposed subdivision would be an intrusion into a basically agricultural area.
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Reconsideration Request	The reconsideration request of the original proposal was approved by Resolution #6443/1977 and created the eastern most parcel of the current Application as well as six parcels south of Pressy Lake Road.
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Application ID: 29849 Legacy File: 06996 (Bakstad, 1978)	This application proposed to subdivide the subject property as divided by the road which would result in a 5.3 ha parcel and a 37.1 ha parcel and was approved by Resolution #9431/78. The resulting 5.3 ha parcel is the western most property in the current Application.
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### **SITE VISIT**

[11] On July 7, 2016, the Panel conducted a walk-around and meeting 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* and was provided to the Agent on July 18, 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 92P/06 for the mapping units encompassing the Property are Class 3, Class 4 and Class 5; more specifically the southern portion of two of the properties is unimproved from Class 3C, and the majority of the Properties is classified as improvable to (7:4P – [3O5W]).

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. The Class 5 rating is defined as having organic soils; the organic soil class definitions are equivalent in terms of their relative capabilities and limitations for agricultural use to those defined for mineral soil.

The limiting subclasses associated with this parcel of land are P (stoniness), W (excess water) and C (climate).

[14] The Panel also considered whether the Property was suitable for agriculture. This consideration included details such as property size, surrounding land use and potential limitations to agriculture.



[15] The Panel discussed the use of portions of the Properties for grazing by the Blue Goose Cattle Company, which also grazes a substantial area south of the Properties, and believes that while they were used for some grazing, it was not a substantial amount given the agricultural limitations created by the wetland areas.

[16] The Panel also discussed the existing residential subdivisions to the west and north of the Properties, as well as the mid-size parcels on either side of the southern-most portion of the Properties. The Panel believes that the proposed subdivision could be a good transition from the smaller residential parcels to the larger agricultural parcels in the area provided that there are adequate measures to mitigate trespassing and negative impacts. The Panel also believes that a covenant to ensure the construction and maintenance of fencing around the perimeters of the Properties would help to alleviate this potential issue.

[17] The Panel believes that due to the surrounding parcel sizes, the agricultural limitations of the Properties, and the use of conditions to mitigate adverse impacts on adjacent range land, the land would be suitable for subdivision into smaller parcels as discussed in the Proposal.

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

[18] The Applicants 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

[19] There is no Official Community Plan for this area; however, the Proposal is consistent with the current zoning designation.

*Weighing the factors in priority*

[20] In this particular case, as they are currently divided, the Panel believes that the Properties do not hold significantly more agricultural value as they would if divided as proposed. The combination of the limitations of the wetlands in the area, as well as the residential subdivisions in close proximity are indicative of the challenges that anyone would face trying to run an agricultural operation on the Properties.

[21] The Panel discussed the need for fencing and a way by which a rancher in the area could approach a property owner and require them to construct and maintain a fence in order to protect the cattle from the dangers of the road and getting onto the smaller parcels. The Panel believes that this would be possible through a fencing covenant.

[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 approves the Proposal to subdivide the Properties into nine parcels, ranging in size from 1.7 ha to 6.7 ha, for rural residential use.

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

- a. the preparation of a subdivision plan to delineate the area to be subdivided per the drawing submitted with the Application;
- b. the construction of fences for the purpose of ensuring adequate separation between grazing areas and the proposed parcels, and for the safety of the cattle. The fencing is to be a 4 - strand barbed wire and 4 feet high as per the Ministry of Forest, Lands and Natural Resource Operations' range branch specifications;



- c. the registration of a covenant for the purpose of ensuring that the property owners of the resulting parcels will maintain the fencing around the rural parcels;
- d. the subdivision plan being completed within three (3) years from the date of release of this decision.

[25] 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.

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

[27] Decision recorded as Resolution #316/2016.

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

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Upon instruction of the Panel, I have been authorized to release the Reasons for Decision by Resolution #316/2016. The decision is effective upon release.



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**Colin J. Fry, Director of Policy and Planning**

**August 29, 2016**

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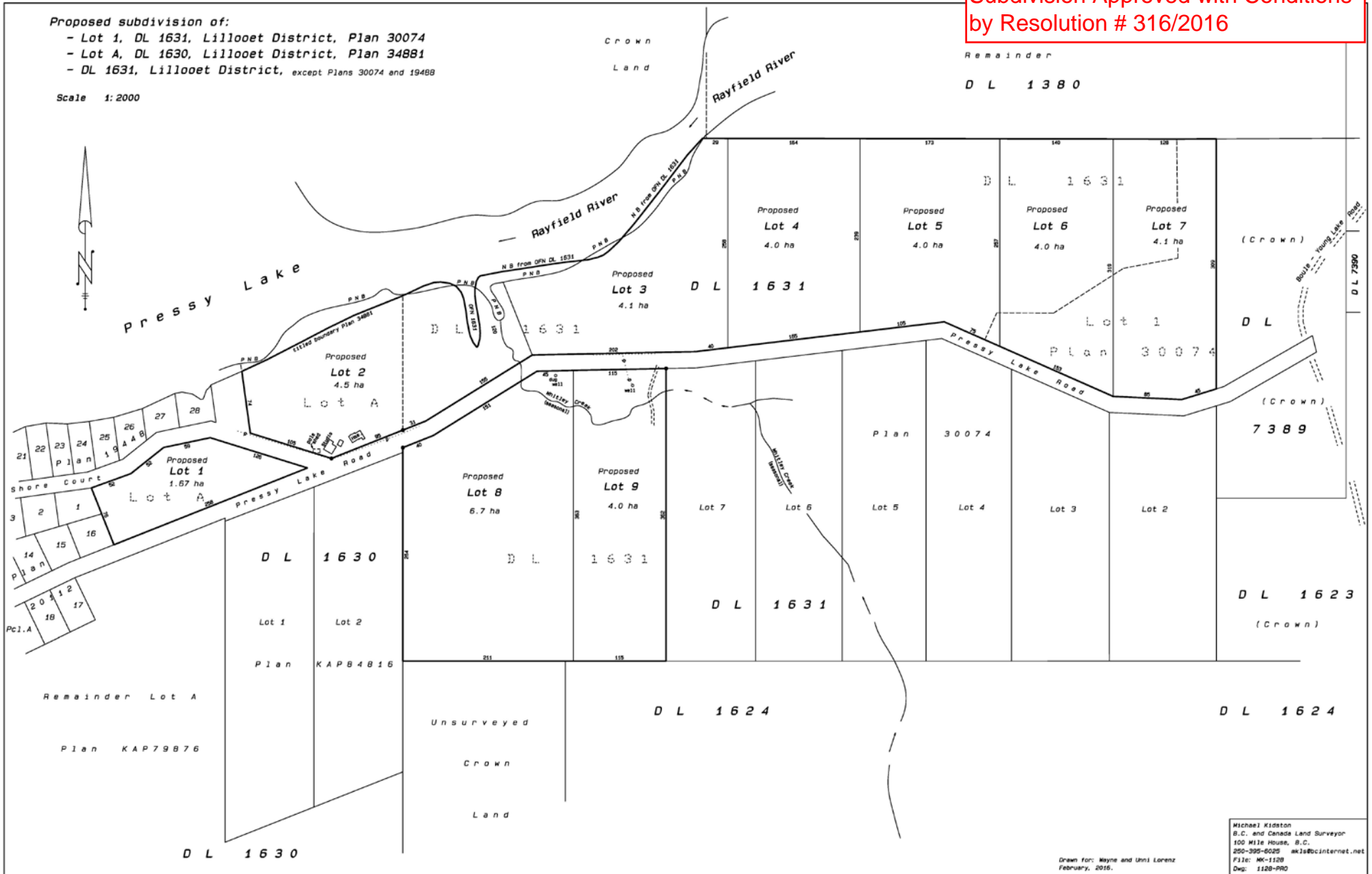
**Date Released**

ALC Application ID 54957  
 Subdivision Approved with Conditions  
 by Resolution # 316/2016

Proposed subdivision of:

- Lot 1, DL 1631, Lillooet District, Plan 30074
- Lot A, DL 1630, Lillooet District, Plan 34881
- DL 1631, Lillooet District, except Plans 30074 and 19488

Scale 1:2000



Michael Kidston  
 B.C. and Canada Land Surveyor  
 100 Mile House, B.C.  
 250-399-6025 mkid@bcinternet.net  
 File: MK-1120  
 Dwg: 1120-PRO

Drawn for: Wayne and Uthi Lorenz  
 February, 2016.