



Agricultural Land Commission
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November 25, 2016

ALC File: 55178

Cariboo Graphic Systems
Unit 1-230 Cariboo Highway / PO Box 1270
100 Mile House, BC
V0K 2E0
Attention: Nigel Hemmingway

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

Please find attached the Reasons for Decision of the Interior Panel (Resolution # 402/2016) as it relates to the above noted application. A sketch plan depicting the decision has been attached. As agent, it is your responsibility to notify the applicants 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:

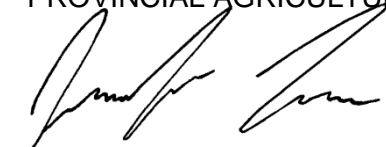
- (a) evidence not available at the time of the original decision has become available,
- (b) all or part of the original decision was based on evidence that was in error or was false.

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



Jennifer Carson, Land Use Planner

Enclosures: Reasons for Decision (Resolution #402/2016)
Sketch plan

cc: Cariboo Regional District (File: 3015-20/L20160026)

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AGRICULTURAL LAND COMMISSION FILE 55178

REASONS FOR DECISION OF THE INTERIOR PANEL

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

Applicants:

**Joseph Faulkner
Lesley Gallagher
(the “Applicants”)**

Agent:

**Nigel Hemmingway, Cariboo
Graphic Systems
(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: 024-652-385

Lot 3, District Lot 4254, Lillooet District, Plan KAP65761

(the "Property")

[2] The Property is 12.7 ha in area.

[3] The Property is generally described as being located on Foothills Road, Horse Lake Area.

[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 three equal parcels of approximately 4.2 ha (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

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

[11] At its meeting of June 30th, 2016, the Cariboo Regional District resolved to forward the Application to the Commission with the recommendation of approval.

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

Application ID: 9380
Legacy File: 20387
(Province of BC, 1986)

To include 131 ha of land, including the Property into the
ALR as it was Crown land which was being purchased

through an agricultural lease. The proposed inclusion was approved by ALC Resolution #868/86.

Application ID: 9265
Legacy File: 31785
(Four W. Holdings Ltd., 1998)

To subdivide the two properties totaling 172.8 ha in size into thirteen parcels of approximately 12 – 13 ha each. This proposal was approved by ALC Resolution # 357/98 but the Commission also mentioned that it “would be prepared to permit different densities than were requested provided the development proposal received the consensus of the general public”.

SITE VISIT

[13] On August 17, 2016, the Panel conducted a walk-around site visit in accordance with the *Policy Regarding Site Visits in Applications* (the “Site Visit”).

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 unimprovable agricultural capability ratings identified on CLI map sheet 92P/11 for the mapping units encompassing the Property are Class 4C and Class 5C.

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 limiting subclass associated with this parcel of land C (climate).

[15] The Panel reviewed the CLI ratings and finds that they are consistent with the surrounding areas and in large enough properties would be suitable for range land. The Panel believes that the Property is not large enough to be suitable for range purposes.

[16] The Panel discussed that the Property was originally part of a larger 131 ha property which was included into the ALR in 1986 because it was being purchased through an agricultural lease. However, in 1998 it was permitted for subdivision which created the current Property and numerous other parcels in the immediate area. The Panel believes that the area has already been substantially parcelized and as such in this particular case, some further parcelization such as that proposed in the Application would not have an adverse impact on agriculture.

[17] The Panel noted that there are no range tenures in the immediate vicinity, nor are there any large agricultural operations which would be impacted by the further densification of this area. The Panel also discussed the potential benefit of allowing densification in this area and find that the Proposal would create three residential lots which would take pressure off of other more agriculturally suitable and productive lands. The Panel believes in this particular circumstance that the Proposal will not have an adverse impact on agriculture.

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

[18] The Panel respects and understands the personal benefits that would accrue to the Applicants and family members if the Proposal is approved. However, the Panel finds that the economic, cultural and social values whether considered individually or collectively, are not germane to the Panel's consideration in light of the findings pertaining to agricultural suitability

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

[19] While respectful of the Regional District's current zoning being consistent to the Proposal, the Panel finds that this alone, 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.

Weighing the factors in priority

[20] While the Property has agricultural capability, its total area and the size of the surrounding parcels limits the agricultural suitability and potential of the Property.

[21] The Panel also noted that there were no significant agricultural operations or Range Tenures in the immediate vicinity which would be impacted by the Proposal.

[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 Property into three parcels of approximately 4.2 ha.

[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 subdivision be in substantial compliance with the plan submitted with the Application;
- c. submission of two (2) paper copies or one (1) electronic copy of the final survey plan to the Commission; and



d. the subdivision plan being completed within three (3) years from the date of release of this decision.

[25] When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the subdivision plan.

[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] 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.

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

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

[30] This decision is recorded as Resolution #402/2016 and is released on November 25, 2016.

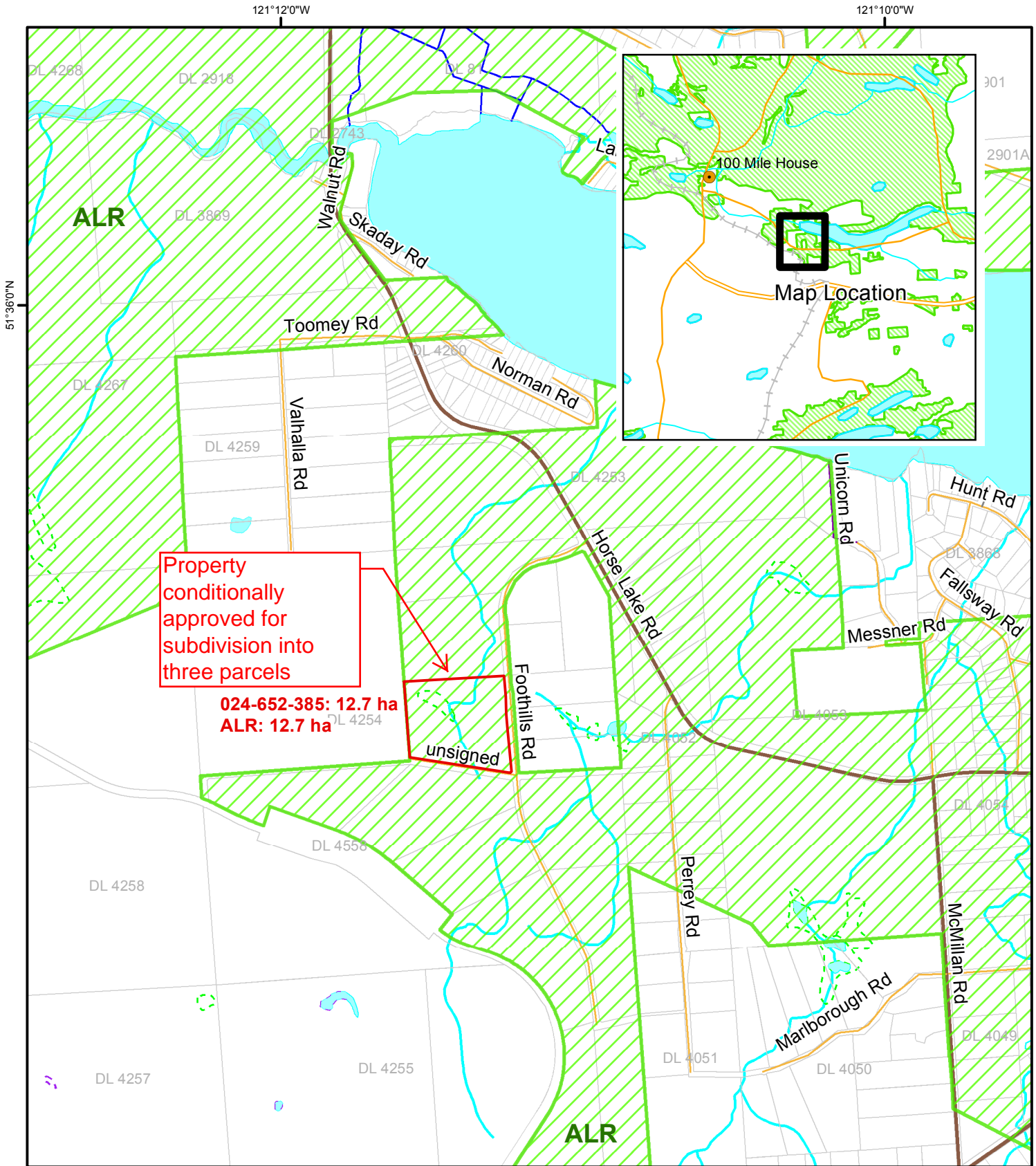
CERTIFICATION OF DECISION

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

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

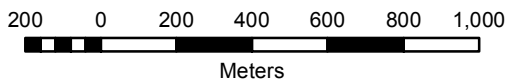
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ALC Application ID 55178
 Property Approved for Subdivision with Conditions by Resolution # 402/2016



ALR Context Map

Map Scale: 1:20,000



ALC File #:	55178
Mapsheet #:	92P.055
Map Produced:	July 26, 2016
Regional District:	Cariboo