



Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
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February 27, 2017

ALC File: 55491

12140 – 240 Road
SS #2 Site 25 Comp 31
Fort St. John, BC V1J 4M7

Attention: Charlotte Francoeur

Re: Application to Exclude the Property from the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the North Panel (Resolution #37/2017) 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 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 Ron Wallace at (Ron.Wallace@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read 'Ron Wallace', written in a cursive style.

Ron Wallace, Land Use Planner

Enclosures: Reasons for Decision (Resolution #37/2017)
Sketch plan

cc: Peace River Regional District (File: 178/2016)
BC Assessment

55491d1



AGRICULTURAL LAND COMMISSION FILE 55491

REASONS FOR DECISION OF THE NORTH PANEL

Application submitted pursuant to s. 30(1) of the *Agricultural Land Commission Act*

Applicants:

**Rainer Steck
Charlotte Francoeur
(the “Applicants”)**

Agent:

**Charlotte Francoeur
(the “Agent”)**

Application before the North Regional Panel:

**Dave Merz, Panel Chair
Sandra Busche
Ross Ravelli**

THE APPLICATION

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

Parcel Identifier: 028-024-737

Lot 3, Section 26, Township 83, Range 19, West of the 6th Meridian, Peace River

District, Plan BCP42083

(the “Property”)

[2] The Property is 2.1 ha in area.

[3] The Property has the civic address 12140 – 240 Road, Fort St. John.

[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. 30(1) of the *ALCA*, the Applicants are applying to exclude the Property from the ALR (the “Proposal”). Upon exclusion of the Property from the ALR the intent of the Applicants is to expand their already existing trucking business. The Applicants are in the process of rezoning the Property from Residential to Light Industrial, pending approval of the Property from the ALR. The Proposal along with supporting documentation is collectively the application (the “Application”).

RELEVANT STATUTORY PROVISIONS

[7] The Application was made pursuant to s. 30(1) of the *ALCA*:

30 (1) An owner of land may apply to the commission to have their land excluded from an agricultural land reserve.



[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

[11] At its meeting of November 24, 2016, the Peace River Regional District (the “PRRD”) Board authorized the Application to proceed to the ALC.

The Property is designated as Medium Density Rural Residential within PRRD North Peace Fringe Area (NPFA) OCP Bylaw No. 1870, 2009. The proposed use is in keeping with the context of the area. To the north of the Property, a majority of the land is designated AGR (Res-LSI) 'Agriculture (Reserve-Light Industrial)'.

Pursuant to NPFA OCP Bylaw 1870, 2009 Sections 8.3 – General Policies:

Policy 2 – To generally consider Industrial development as outlined below:

- ii) **Existing and new** *Light/Service Industrial land designated in this Plan, generally located along the Alaska Highway, along the Airport Road and in that area lying southwest of the City of Fort St. John.*

Pursuant to NPFA OCP Section 8 Policy 4:

"Within the Light/Service Industrial designation the principle use of the land will generally be for industrial uses, including but not limited to: trucking, logging, construction trade, or oil field service contractors; automotive, recreation vehicle, machinery or equipment servicing, repair and sales; fuel retail sales; manufacturing home sales; recycling centre; building material or gardening supplies outlet; wholesale or warehousing establishments; agri-outlet; airport associated facilities, subject to zoning regulations."

As the Applicants intend on developing the property for their trucking business, this use is supported by this Policy.

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

Application ID: 45773
Legacy File: 38824
(Pedersen, 2009)

To subdivide the 24 ha property into seven rural residential lots ranging in size from 1.8 to 2.5 ha in size. The remainder will be 8.35 ha. The Commission had no objection to the proposed subdivision as the proposal was consistent with the Rural Residential designation given the property in the Fort St. John and Area Comprehensive Plan. Since adoption of the plan in 2005 the Commission has approved proposals within the plan area that are consistent with its endorsements under the plan. As such, the proposed subdivision was approved, which resulted in the creation of the Property subject to the current application.

[13] The Panel reviewed one relevant application relating to the application:

Application ID: 54085
(BC Hydro, 2015)

The Site C Exclusion application which by an Order in Council No. 148, dated April 8, 2015 approved the exclusion of land both for permanent removal from the ALR and for temporary removal from the ALR until December 31, 2024. The applicant, BC Hydro, is currently developing a conveyor line or haul truck road along the eastern parcel line of the Property. The adjacent land to the south of the Property has also been temporarily excluded from the ALR.

SITE VISIT

[14] 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

[15] 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 94A/02 for the mapping units encompassing the Property are Class 2; more specifically 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.

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

[16] The Panel reviewed the CLI rating and noted that while the Property has good agricultural capability, it is located in a rural residential area along 240 Road and is surrounded by residential land to the north, east and west. As noted above, the adjacent land to the east and south of the Property has been temporarily excluded from the ALR in support of the Site C development.

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

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

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

[18] The Property is designated as Medium Density Rural Residential within PRRD North Peace Fringe Area (NPFA) OCP Bylaw No. 1870, 2009. The Property is currently being used by the Applicants as a trucking business and they are in the process of rezoning the Property from Residential to Light Industrial, pending approval of the Property from the ALR.

[19] The Panel notes that the proposed use is in keeping with the context of the area and is consistent with the policies of the PRRD NPFA OCP Bylaw No. 1870, 2009.

Weighing the factors in priority

[20] In considering s. 4.3 (a) and the first priority to agriculture, the Panel notes that while the Property has good agricultural capability, it is located in a rural residential area along 240 Road and is surrounded by residential land to the north, east and west; the adjacent land to the east and south of the Property has been temporarily excluded from the ALR in support of the Site C development.



[21] In considering s. 4.3 (c), the Panel notes that the proposed use is in keeping with the context of the area and is consistent with the policies of the PRRD NPFA OCP Bylaw No. 1870, 2009.

DECISION

[22] For the reasons given above, the Panel approved the Proposal to exclude the Property from the ALR.

[23] The Commission will advise the Registrar of Land Titles that the property has been excluded from the ALR.

[24] 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.

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

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

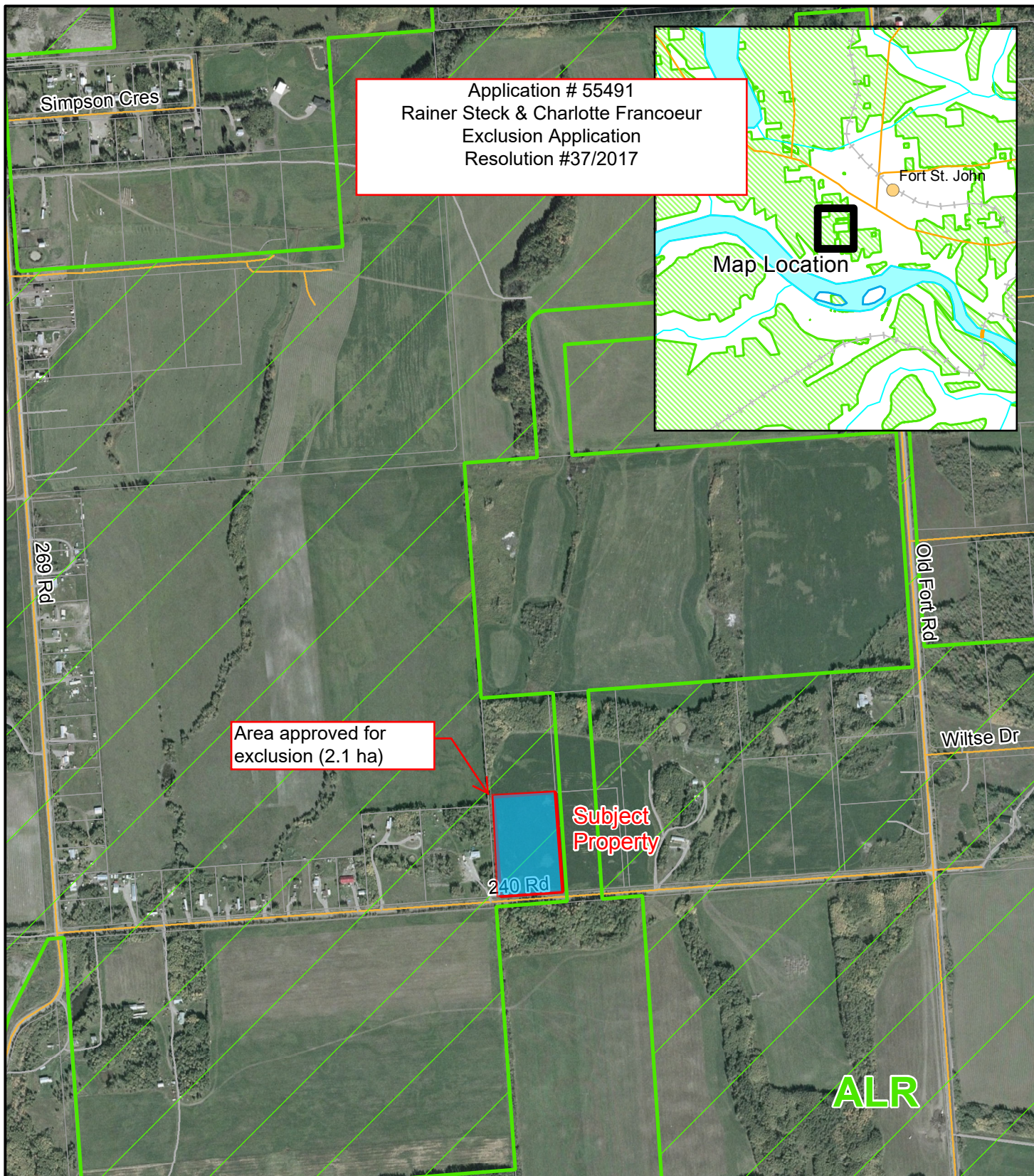
[27] This decision is recorded as Resolution #37/2017 and is released on February 27, 2017.

CERTIFICATION OF DECISION

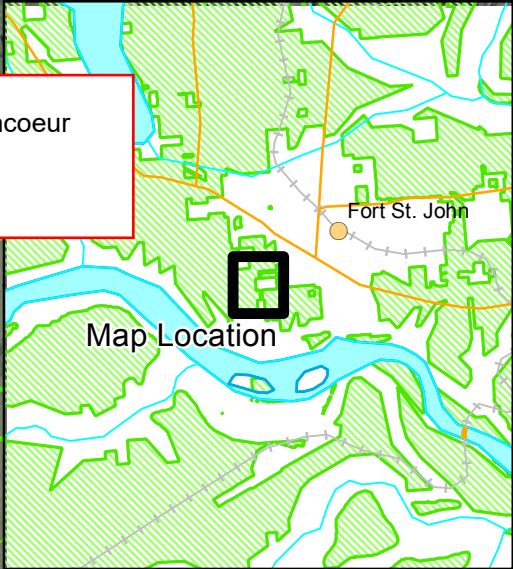
A handwritten signature in black ink, appearing to read 'Dave Merz', is written over a horizontal line.

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

END OF DOCUMENT



Application # 55491
Rainer Steck & Charlotte Francoeur
Exclusion Application
Resolution #37/2017



Area approved for
exclusion (2.1 ha)

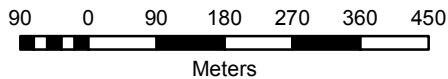
Subject
Property

ALR



Airphoto Map

2005 Natural Colour
Map Scale: 1:10,000



ALC File #:	55491
Mapsheet #:	94A.026
Map Produced:	Jan 4, 2017
Regional District:	Peace River