



**Agricultural Land Commission**  
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June 16, 2015

ALC File: 53930

Kristofer Wuthrich  
11331 90<sup>th</sup> Street  
Fort St. John, BC

Dear Mr. Wuthrich:

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

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #169/2015) as it relates to the above noted application. A sketch plan depicting the decision has been attached.

Your attention is drawn 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.

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 Laurel Eyton at (Laurel.Eyton@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

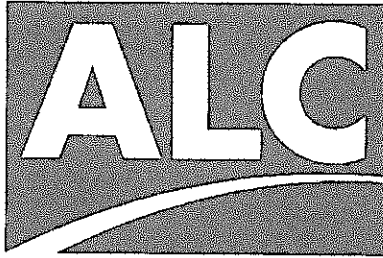
Colin J. Fry, Chief Tribunal Officer

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Enclosures: Reasons for Decision (Resolution #169/2015)  
Sketch plan

cc: Peace River Regional District (File: 228/2014)  
Lori Vickers, Regional Agrologist – Ministry of Agriculture, Dawson Creek Office  
BC Assessment – Peace River Office

53930d1



**AGRICULTURAL LAND COMMISSION FILE 53930**

**REASONS FOR DECISION OF THE NORTH PANEL**

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

**Applicant:**

**Kristofer Wuthrich  
(the "Applicant")**

**Application before the North Regional Panel:**

**Dave Merz, Panel Chair  
Sandra Busche  
Garry Scott**



## THE APPLICATION

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

Parcel Identifier: 015-230-597

The Northwest ¼ of Section 11, Township 84, Range 18, West of the 6<sup>th</sup> Meridian,

Peace River District

(the "Property")

[2] The Property is generally described as being located on 257 Road, Northeast of Fort St. John.

[3] The Property is 63.4 ha in area.

[4] The Property is located partially within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA"). The southwest corner (4.1 ha) of the Property is located within the ALR.

[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 Applicant is applying to exclude 0.7 ha from the ALR (the "Application").

**Note: The Applicant has submitted a concurrent application pursuant to s. 17(3) of the *ALCA* in which it is proposed to include to the ALR 2.8 ha of the Property (Application ID: 53931).**

[7] On March 2, 2015, the Chair of the Agricultural Land Commission (the "Commission") referred the Application to the North Regional Panel (the "Panel").



**RELEVANT STATUTORY PROVISIONS**

[8] 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.

[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 Applicant in advance of this decision.

[12] The Peace River Regional District (the "PRRD") resolved to forward the Application with support.

## **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 agricultural capability ratings identified on CLI map sheet 94A/7 for the mapping units encompassing the ALR portion of the subject property are Class 2 and 3; more specifically (7:2C 3:3T).

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.

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.

The limiting subclasses associated with this parcel of land are C (climate) and T (topographic limitations).

[14] The Panel notes that the Property is on the boundary of the ALR, and that the portion proposed for exclusion is treed and not in cultivation due to topographical limitations.

[15] As noted previously, the applicant is also preparing to include approximately 2.8 ha into the ALR as this area is currently under cultivation.



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

[16] The Applicant did not provide any information relevant to s. 4.3(b) considerations.

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

[17] If the Application is granted as proposed, no amendments to the Official Community Plan or Zoning Bylaw will be required.

Weighing the factors in priority

[18] The Panel believes that the proposed ALR boundary adjustment better reflects the agricultural capability of the Property than does the current ALR boundary.

**DECISION**

[19] For the reasons given above, the Panel approves the Application to exclude 0.7 ha from the ALR.

[20] 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.

[21] Panel Chair **Dave Merz** concurs with the decision.  
Commissioner **Sandra Busche** concurs with the decision.  
Commissioner **Garry Scott** concurs with the decision.

[22] Decision recorded as Resolution #169/2015.

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 #169/2015. The decision is effective upon release.

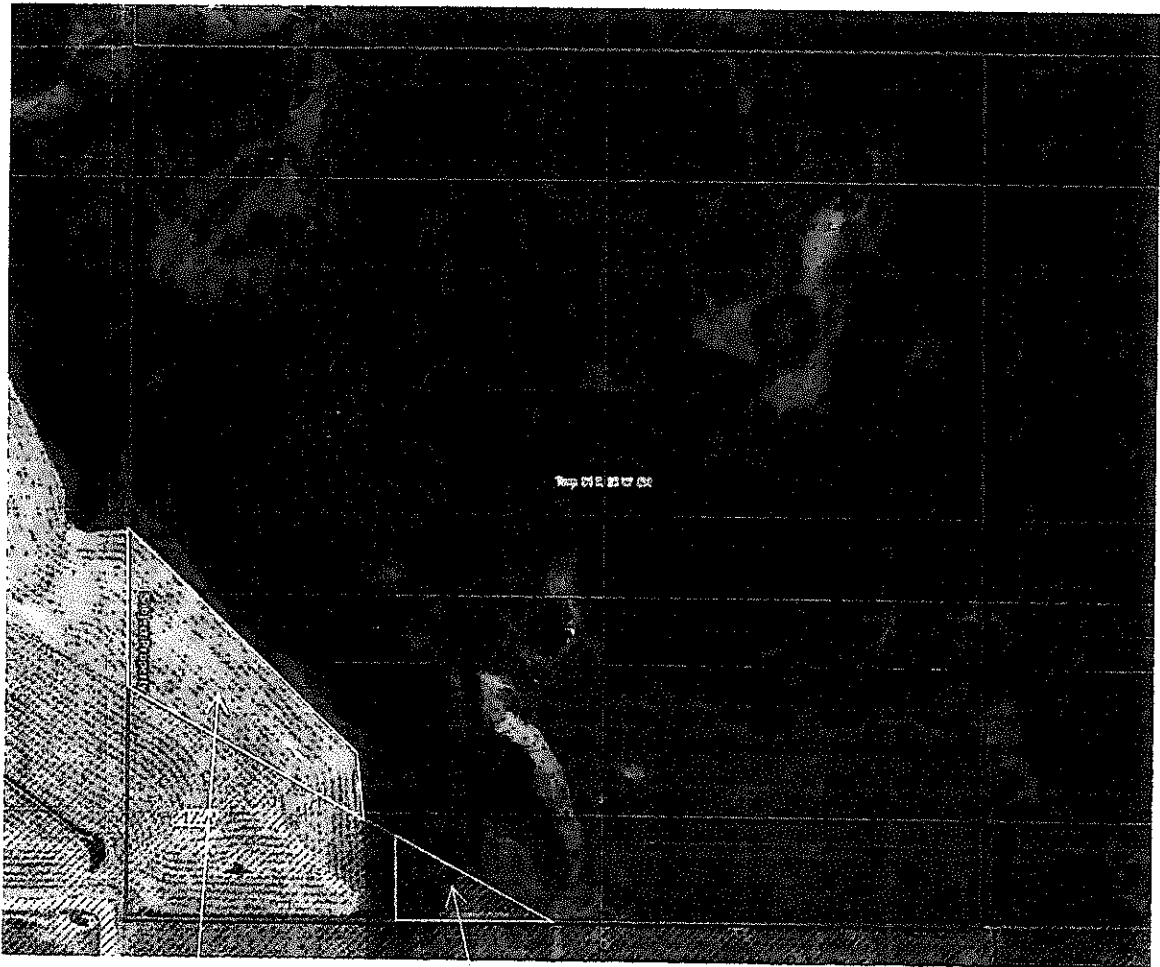


Colin J. Fry, Chief Tribunal Officer

June 16, 2015  
Date Released



ALC application 53930  
(applicant - Kristofer Wuthrich)  
Resolution #169/2015



Condition of  
Resolution #169/2015  
to include  
approximately 2.8 ha  
into the ALR.

Approximately 0.7 ha approved for  
exclusion from the ALR by  
Resolution #169/2015.