



June 15, 2015

Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

ALC File: 53941
Your File: 249/2014

Paulo Eichelberger
Peace River Regional District
1981 Alaska Avenue
Box 810
Dawson Creek, BC V1G 4H8

Dear Mr. Eichelberger:

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

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #163/2015) as it relates to the above noted application. As agent, it is your responsibility to notify your client accordingly.

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

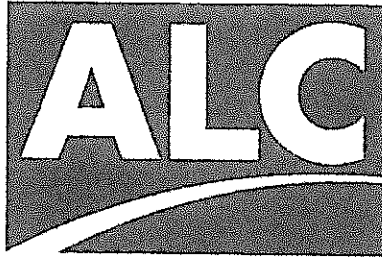
A large, handwritten signature in black ink, appearing to be 'CJF', is written over the typed name of Colin J. Fry. The signature is fluid and cursive, with a large loop at the end.

Page 2 of 2

Enclosure: Reasons for Decision (Resolution #163/2015)

Cc: Lori Vickers, Regional Agrologist – Ministry of Agriculture, Dawson Creek Office
BC Assessment – Peace River Office

53941d1



AGRICULTURAL LAND COMMISSION FILE 53941

REASONS FOR DECISION OF THE NORTH PANEL

Application submitted pursuant to s. 20(3) of the *Agricultural Land Commission Act*

Applicant:

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

Agent:

**Paulo Eichelberger
Peace River Regional District
(the "Agent")**

Application before the North Regional Panel:

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



THE APPLICATION

- [1] The legal description of the Crown Land involved in the application is:
Parcel Identification Number (PIN): 11630651
Legal Subdivision 8, Section 8, Township 87, Range 25, West of the 6th Meridian
(the "Property")
- [2] The Property is generally described as being located in the Upper Halfway area.
- [3] The Property is 16.5 ha in 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. 20(3) of the *ALCA*, the Agent is applying to use 1.1 ha of ALR land as a managed waste transfer site (the "Application").
- [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. 20(3) of the *ALCA*:
- 20(3) An owner of agricultural land or a person with a right of entry to agricultural land granted by any of the following may apply to the commission for permission for a non-farm use of agricultural land

- [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
4. The December 29, 2014 letter from the Ministry of Agriculture's Regional Agrologist

All documentation noted above was disclosed to the Agent 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/12 for the mapping units encompassing the Property are Class 3 and Class 4; more specifically 6:3C 4:4X.

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.

The limiting subclasses associated with this parcel of land are C (climate) and X (combination of soil factors).

[14] The Panel is of the opinion that due to the small size of the area proposed for non-farm use; the Application, if approved, will have a limited negative impact on farming.

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

[15] In his letter, the Agent stated the following:

"Site has an existing unmanned waste facility used by the public and also abused with illegal dumping. Trucking Contractors are used to keep the site clean several times per week. This is the reason to remove the unmanned site and located a manned facility to control and eliminate events of illegal dumping; reduce the amount of vehicle traffic to remove waste; and keep the site in an area already familiar to the public."



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

[16] The proposal is part of a larger PRRD Solid Waste Management Plan, “whereby it is replacing its unmanned waste drop-off stations with state of the art manned facilities which accept not only household garbage but recyclables for the public... As the existing waste system is woefully inefficient, costly and prone to illegal dumping, the District is intending to consolidate several unmanned sites into one manned station with improved controls.”

[17] The PRRD noted in their Application that “over the course of 2 years of public consultation with area residents, it was decided that one station should be located somewhere near or on an existing unmanned site to aid the public. Based on visits to several sites, examination of traffic site lines and meeting with a representative of the MoTI...the development site has been deemed the best option.”

[18] The Application, if approved, will not require an OCP or zoning amendment.

Weighing the factors in priority

[19] The Panel has approached the Application recognizing that first priority must be given to the purposes of the Commission in s. 6, and that the other “zone 2” factors listed in ss. 4.3(b) and (c) of the ALCA are to have lesser priority than the s. 6 purposes. This means that we should only approve an application if we find that one or more of the lower priority values are so strong on the facts of the application that they outweigh the purposes of s. 6 despite their first priority.

[20] In this case, we find that test is met.

[21] However, having seriously considered that impact and having given it first priority, we are nonetheless satisfied that the Application should be granted. We are satisfied that the project is real and significant to the local community.



DECISION

[22] For the reasons given above, the Panel approves the Application to subdivide and use 1.1 ha of ALR land as a manned waste transfer site.

[23] 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.

[24] Panel Chair **Dave Merz** concurs with the decision.


Commissioner **Sandra Busche** concurs with the decision.

Commissioner **Garry Scott** concurs with the decision.

[25] Decision recorded as Resolution #163/2015.

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 #163/2015. The decision is effective upon release.

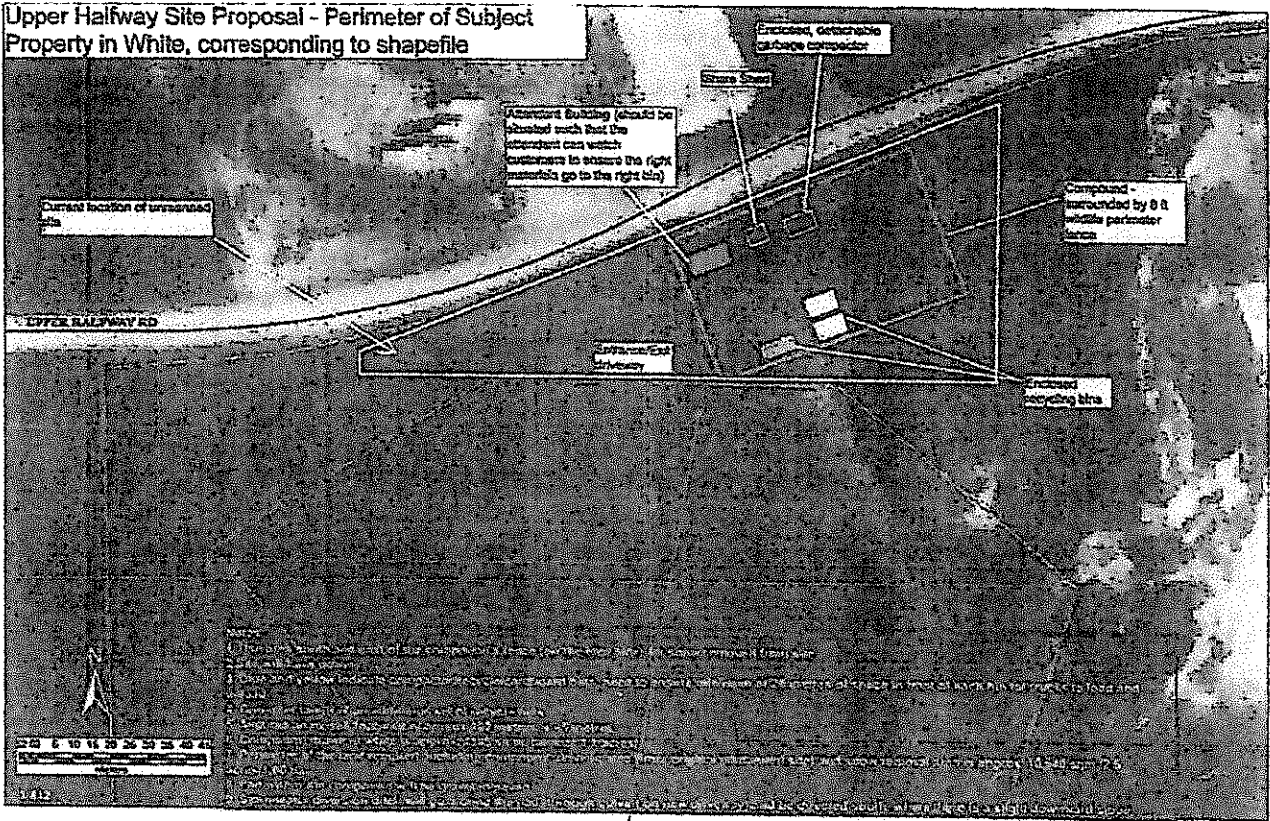


Colin J. Fry, Chief Tribunal Officer

June 1, 2015
Date Released



ALC application 53941
(agent - Peace River Regional District)
(applicant - Province of BC, FLNRO Crown Lands)
Resolution #163/2015



1.1 ha of the Property approved for subdivision and use as a manned waste transfer station.