



Agricultural Land Commission
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July 5, 2016

ALC File: 54229

Renewable Energy Systems Canada Inc.
Suite 2516 - 300 Léo-Pariseau
Montreal, QB H2X 483

Attention: Patrick Henn

Dear Mr. Henn:

Re: Application for Transportation, Utility, or Recreational Trail Uses within the ALR the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #249/2016) 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 client accordingly.

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 Jess Daniels at (Jessica.Daniels@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Colin J. Fry, Director of Policy and Planning

Enclosures: Reasons for Decision (Resolution #249/2016)
Sketch plan

cc: Peace River Regional District

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AGRICULTURAL LAND COMMISSION FILE 54229

REASONS FOR DECISION OF THE NORTH PANEL

Application submitted pursuant to s. 6 of BC Regulation 171/2002 (Agricultural Land Reserve Use, Subdivision and Procedure Regulation)

Applicant:

**South Peace Hutterian
Brethren Church
(the "Applicant")**

Agent:

**Patrick Henn, Renewable
Energy Systems Canada Inc.
(the "Agent")**

Application before the North Regional Panel:

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



THE APPLICATION

[1] The legal description of the properties involved in the application are:

- a. Parcel Identifier: 006-235-085
SECTION 24, TOWNSHIP 81, RANGE 16, WEST OF THE 6TH MERIDIAN,
PEACE RIVER DISTRICT, EXCEPT PLAN PGP40933 (the "Property")

- b. Parcel Identifier: 006-235-026
SECTION 23, TOWNSHIP 81, RANGE 16, WEST OF THE 6TH MERIDIAN,
PEACE RIVER DISTRICT, EXCEPT PLAN PGP40934

- c. Parcel Identifier: 014-485-443
SECTION 16, TOWNSHIP 81, RANGE 16, WEST OF THE 6TH MERIDIAN,
PEACE RIVER DISTRICT, EXCEPT PLAN PGP40862

- d. Parcel Identifier: 014-485-451
SECTION 17, TOWNSHIP 81, RANGE 16, WEST OF THE 6TH MERIDIAN,
PEACE RIVER DISTRICT, EXCEPT PLAN PGP40863

- e. Parcel Identifier: 014-335-476
THE NORTH 1/2 OF SECTION 7, TOWNSHIP 81, RANGE 16, WEST OF THE
6TH MERIDIAN, PEACE RIVER DISTRICT, EXCEPT PLAN PGP41561

- f. Parcel Identifier: 006-234-992
SECTION 22, TOWNSHIP 81, RANGE 16, WEST OF THE 6TH MERIDIAN,
PEACE RIVER DISTRICT, EXCEPT PLAN PGP40935

- g. Parcel Identifier: 014-383-403
SECTION 21, TOWNSHIP 81, RANGE 16, WEST OF THE 6TH MERIDIAN,
PEACE RIVER DISTRICT, EXCEPT PLAN PGP40855

- h. Parcel Identifier: 011-140-011
THE NORTH EAST 1/4 OF SECTION 12, TOWNSHIP 81, RANGE 17, WEST OF THE 6TH MERIDIAN, PEACE RIVER DISTRICT, EXCEPT PLAN PGP42299

- i. Parcel Identifier: 018-405-444
THE NORTH EAST 1/4 OF SECTION 1, TOWNSHIP 81, RANGE 17, WEST OF THE 6TH MERIDIAN, PEACE RIVER DISTRICT

- j. Parcel Identifier: 011-139-978
THE SOUTH 1/2 OF SECTION 12, TOWNSHIP 81, RANGE 17, WEST OF THE 6TH MERIDIAN, PEACE RIVER DISTRICT, EXCEPT PLAN PGP42299

- k. Parcel Identifier: 014-576-660
THE NORTH WEST 1/4 OF SECTION 1, TOWNSHIP 81, RANGE 17, WEST OF THE 6TH MERIDIAN, PEACE RIVER DISTRICT, EXCEPT THE WEST 14 FEET
(collectively the “Properties”)

[2] The Properties are 253.6 ha, 258.2 ha (of which 242.7 ha is in the ALR), 255.4 ha, 254.4 ha, 124.9 ha, 253.7 ha, 258.0 ha, 64.4 ha, 63.8 ha, 127.0 ha and 62.1 ha in area respectively.

[3] The Properties are generally described as being located northeast of Dawson Creek.

[4] The Properties are located within a designated agricultural land reserve (“ALR”) as defined in s. 1 of the *Agricultural Land Commission Act* (the “ALCA”).

[5] The Properties are located within Zone 2 as defined in s. 4.2 of the ALCA.

[6] Pursuant to s. 6 of BC Regulation 171/2002 (Agricultural Land Reserve Use, Subdivision and Procedure Regulation) (the “Regulation”), the Agent is applying to construct a power line and associated substation that will connect the South Peace East wind energy project to

the BC Hydro transmission system. The length of the power line will be approximately 13km and will follow the Triangle Road right-of-way; the total area of the corridor is 14 ha (the "Proposal"). The Proposal along with supporting documentation is collectively the "Application".

RELEVANT STATUTORY PROVISIONS

[7] The Application was made pursuant to or s. 6(c)(iii) of the Regulation:

6 Unless permitted under sections 2 and 3, a person must file an application under section 34 (6) of the Act directly with the office of the commission and in a form acceptable to the commission for any of the following uses:

- (c) dedication of a right of way or construction of any of the following:
 - (iii) a utility corridor use.

[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 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. Relevant 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] The Panel reviewed one relevant application involving the Property:

Application ID: 54176
(Renewable Energy Systems
Canada Inc. 2015)

To develop 4.5 ha of land within the ALR for a wind energy project with a maximum of seven (7) wind turbines, an access road to reach each turbine and an electrical collector system which would follow the proposed access road underground. Approved, Resolution #405/2015.

SITE VISIT

[12] 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.

FINDINGSSection 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 94A/01, 94A/02 and 93P/15 for the mapping units encompassing the Proposal area are Class 60% 4X and 40% 3X.

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 subclass associated with the Properties is X (combination of soil factors)

[14] The CLI ratings confirm that the Properties have good agricultural capability.

[15] The Agent noted the following agricultural activities that currently takes place on the Properties: *"The parcels are currently used for hay crops, grain crops, cattle grazing and sheep grazing. Parts of several parcels considered by this application are forested"*.

[16] The Agent submitted the following information regarding the reduction of potential negative impacts on surrounding agricultural lands: *"The key mitigation strategy was to consult with the participating landowners and decide on a general pathway that would avoid or limit impact to their agricultural lands. It was decided that the power line should generally follow the Triangle Road right-of-way and should be underground where considered feasible. As such most agricultural land will be unaffected by this proposal as areas used for the power line will be returned to agricultural use once the line is installed. As per the*



agreements with the landowners the areas used during construction will be restored in order to rapidly return the areas to farming once construction is complete”.

[17] The Panel notes that the Properties are currently used for agricultural activities and that the proposed power line will follow an existing right of way and be underground.

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

[18] The Applicant did not provide information specifically citing economic, cultural and social values.

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

[19] The Applicant did not provide any information regarding regional and community planning objectives.

Weighing the factors in priority

[20] In considering s. 4.3 (a) and the first priority to agriculture, The Panel notes that the power line would follow an existing right-of-way and be underground where feasible; and that the land will be returned to a state suitable for agricultural use upon completion of the Project. Thus, the Panel does not believe that the Proposal poses a significant negative impact to agriculture.

[21] The Panel gave consideration to economic, social and cultural values and regional and community planning objectives 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

[22] For the reasons given above, the Panel approves the Proposal to construct a power line and associated substation.

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

- a. The project must be commenced within three years of the date of release of this decision; and
- b. A weed control plan for both the construction and operation phases of the project must be developed and submitted to the Commission prior to starting construction of the project. This may be submitted in conjunction with condition “b” of Commission Resolution #405/2015 (Application ID: 54176).

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

[26] Decision recorded as Resolution #249/2016.

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 #249/2016. The decision is effective upon release.

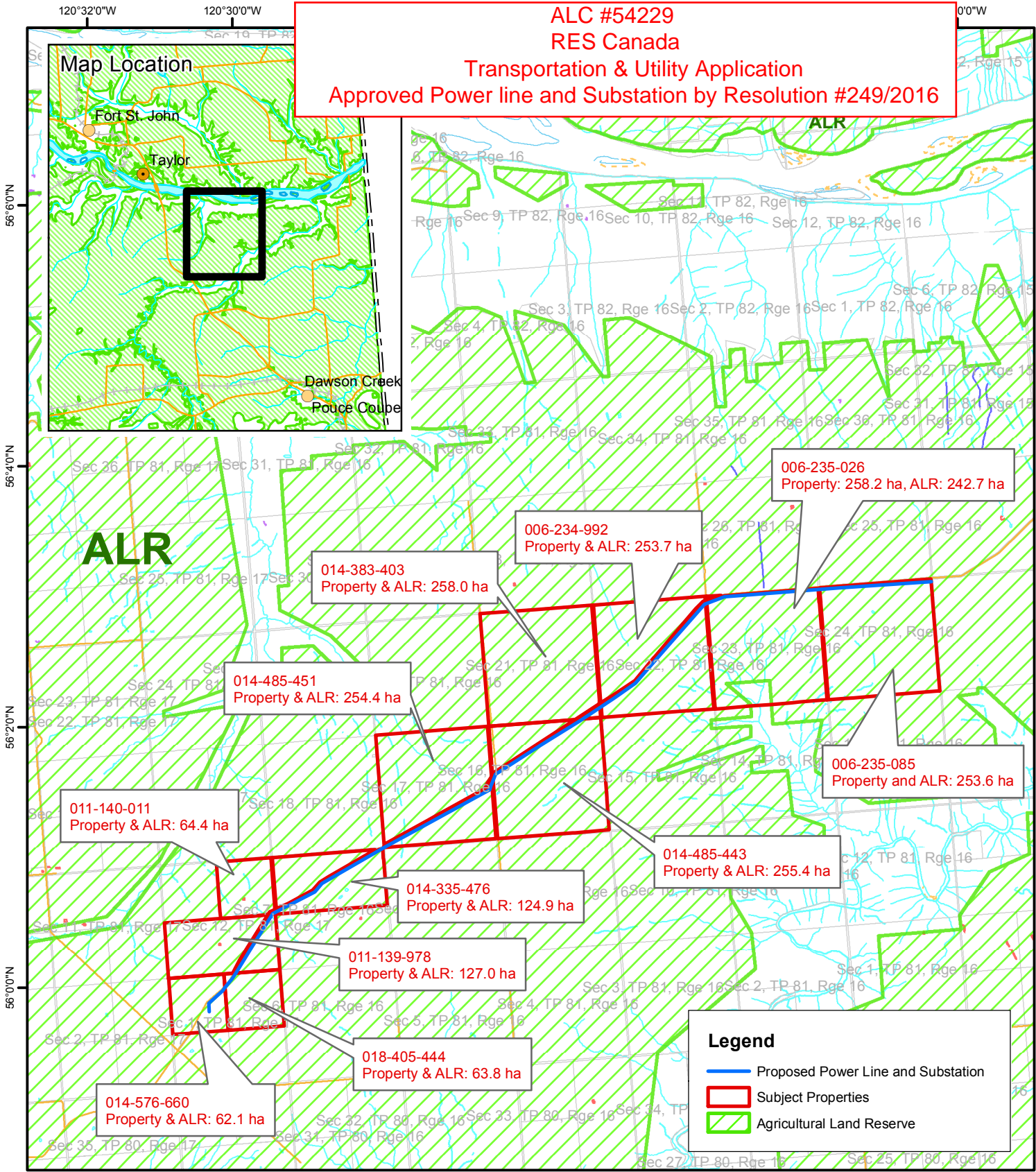


Colin J. Fry, Director of Policy and Planning

July 5th 2016

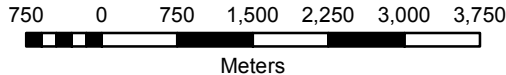
Date Released

ALC #54229
RES Canada
Transportation & Utility Application
Approved Power line and Substation by Resolution #249/2016



ALR Context Map

Map Scale: 1:75,000



ALC File #:	54229
Mapsheet #:	94A/01, 94A/02 & 93P/15
Map Produced:	May 26, 2016
Regional District:	Peace River