



Agricultural Land Commission
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July 21, 2016

ALC File: 54522

Laura Matsalla
Summers & Co. Consulting Inc.
101, 8304 – 92nd Avenue
Fort St. John, BC V1J 6X2

Dear Ms. Matsalla:

Re: Application to Conduct a Non-Farm Use in the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #272/2016) as it relates to the above noted application. As agent, it is your responsibility to notify your clients 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 will follow up with you in this regard once I have received instructions from the Chair.

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:

A handwritten signature in black ink, appearing to be 'CJF', written over a light blue circular stamp.

Colin J. Fry, Director of Policy and Planning

Enclosures: Reasons for Decision (Resolution #272 /2016)
Sketch plan

cc: Peace River Regional District (File: 234/2015)

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AGRICULTURAL LAND COMMISSION FILE 54522

REASONS FOR DECISION OF THE NORTH PANEL

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

Applicants:

**Jonathan Mann
Lena Mann
Trevor Crantz
Crystal Crantz
(the “Applicant”)**

Agent:

**Laura Matsalla
(the “Agent”)**

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: 014-471-175

THE NORTH EAST ¼ OF SECTION 30, TOWNSHIP 78, RANGE 15, WEST OF
THE 6TH MERIDIAN, PEACE RIVER DISTRICT, EXCEPT PARCEL A (N14567)
AND PLAN A938
(the “Property”)

[2] The Property is 38.0 ha in area.

[3] The Property is generally described as being located northwest of the City of Dawson Creek along Highway 97N (Alaska Highway).

[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 Applicants are applying to remove 20, 000 m³ of clay from the Property and relocate it to another property for the construction of an earth berm outside of the ALR. The proposal includes the pit, surrounding earth berms and access road (the “Proposal”). The Proposal along with supporting documentation is collectively (the “Application”).

RELEVANT STATUTORY PROVISIONS

[7] The Application was made pursuant to s. 21(2) 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.

[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. Agricultural capability map, ALR context map and satellite imagery

SITE VISIT

[11] 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

[12] 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 93P/16 for the mapping units encompassing the Property are Class 2C and Class 4W. More specifically, the proposed non-farm use is located on land classified as Class 4W. The land classified as Class 2C is located along the length of the eastern edge of the Property.

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 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 W (excess water) and C (adverse climate).

[13] The Panel reviewed the CLI ratings and find that the Property has good capability for agriculture.

[14] Peace River Regional District (the "PRRD") Planning Staff provided the following information: "*The subject property is located northwest of the City of Dawson Creek*

along Highway 97N (Alaska Highway). This general area consists of mostly larger quarter sections and small areas of rural residential lots to the east of the property and south west of the property. Dawson Creek runs through the property...

...The proposal will have an impact on the agricultural productivity of this parcel. The area is currently opened fielded land. Seasonal drainage issues along Dawson Creek could pose an issue for the proposed development. Agricultural productivity on the subject property is limited and improvements would be needed to increase the agricultural productivity on the land”.

[15] The Applicants provided the following information regarding the Property: *“This land is cultivated land (or could be) but due to parcel size is not viable farming location and the land is not being farmed”.*

[16] The Applicants provided the following information regarding the Proposal: *“The purpose of this proposal is to remove the clay and use it at another location to build a berm. The clay is not being sold. In the future, the pit that remains may fill with water and benefit agriculturally as it would be a viable water source for livestock and wildlife”.*

[17] In email correspondence dated May 12, 2016, the Applicants stated that the clay extracted from the Property is intended to be used for the construction of a berm at the Louisiana Pacific facility in Dawson Creek for the purpose of constructing a fire retention pond.

[18] The Panel notes that an estimated 6, 300 m³ of clay has already been removed from the Property.

[19] The Panel notes that while the Property contains Class 2 soil, the agricultural capability of the Proposal area is Class 4.

[20] The Panel concurred that Highway 97 poses challenges in farming the Property as one unit. However, one Panel member expressed concern regarding the road used to



transport clay which has the potential to negatively impact agricultural use of the Property if it permanently remains.

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

[21] The Applicant did not provide any information specifically citing economic, cultural and social values. However, the Panel notes that the Proposal provides an economic benefit for Louisiana Pacific as a regional employer.

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

[22] The Property is designated 'Agriculture' within the South Peace fringe Area OCP Bylaw No. 2048, 2012. An amendment to the OCP would not be required.

[23] The Property is designated as A-2 (Large Agricultural Holdings Zone) within the Dawson Creek Area Zoning Bylaw No. 479, 1986. PRRD staff indicated that mining, including gravel extraction and processing is a permitted use in this zone, therefore a zoning amendment would not be required.

Weighing the factors in priority

[24] In considering s 4.3 (a) and the first priority to agriculture, the Panel believes that the bisection of the Property by the Alaska highway poses challenges to farming the property as a viable unit. The Panel notes that the Proposal area has an agricultural capability of Class 4 and that the non-farm use is not currently impacting agricultural operations. However, one Panel member believes that the road used to transport clay to Highway 97 is a concern for agriculture.

[25] Overall, the Panel finds that the Proposal does not significantly impact agriculture.

[26] The Panel gave consideration to economic, social and cultural values and regional and community planning objectives planning as required by s. 4.3. The Panel finds that the



Proposal provides an economic benefit in considering Louisiana Pacific as a regional employer.

DECISION

[27] For the reasons given above, the Panel approves the Proposal to remove 20, 000 m³ of clay from the Property.

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

- a. the construction of a fence around the pond;
- b. the extracted top soil to be contoured around the pond with weed control practices;
- c. the road that is currently used to transport clay to the highway must be removed upon completion of the project; and
- d. Approval for non-farm use is granted for the sole benefit of the Applicant and is non-transferable.

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.

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

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

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

[30] Decision recorded as Resolution #272/2016.

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 #272/2016. The decision is effective upon release.



A handwritten signature in black ink, appearing to be 'CJF'.

Colin J. Fry, Director of Policy and Planning

July 21, 2016

Date Released