



**Agricultural Land Commission**  
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June 28, 2016

ALC File: 54528

Doug Dodge  
Via email: [ddodge@exdodge.com](mailto:ddodge@exdodge.com)

Dear Mr. Dodge:

**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 #240/2016) as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly. A sketch plan depicting the decision has been attached.

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 Jennifer Carson at ([Jennifer.Carson@gov.bc.ca](mailto:Jennifer.Carson@gov.bc.ca)).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Colin J. Fry, Director of Policy and Planning

Enclosures: Reasons for Decision (Resolution #240/2016)  
Sketch plan

cc: Cariboo Regional District (File: 3015-20/F20160014) **SENT BY ELECTRONIC MAIL**

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## **AGRICULTURAL LAND COMMISSION FILE 54528**

### **REASONS FOR DECISION OF THE INTERIOR PANEL**

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

**Applicants:**

**Silvia Laffer  
Franz Laffer  
(the “Applicants”)**

**Agent:**

**Doug Dodge  
(the “Agent”)**

**Application before the Interior Regional Panel:**

**Lucille Dempsey, Panel Chair  
Richard Mumford  
Roger Patenaude**

## **THE APPLICATION**

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

Parcel Identifier: 015-096-467

District Lot 3761, Cariboo District, Except Plan 22252

(the “Property”)

[2] The Property is 59.5 ha in area.

[3] The Property has the civic address 5983 Horsefly Lake Road, Horsefly.

[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 for permission to continue to host special events on the Property to support their ranch financially as well as to raise awareness of and appreciation for ranching. The reception area is 1,900 m<sup>2</sup> and utilizes the barn and the pole shed as event facilities during the summer months. The ceremony area, located next to the Horsefly River, is 750 m<sup>2</sup>. The events are by invitation (through bookings) and usually involve 50 to 80 people, although wedding attendance can reach up to 150 guests. Additionally, the butcher shop on the Property was started in 1996 to process the ranch beef cattle, but was later expanded to off-farm meat and the processing of local game brought in by local ranchers and hunters. The butcher shop is valued by the residents and the increasing demand for their service raises the potential for the butcher shop facility to no longer comply with the 50% own farm produce rule (the “Proposal”). The Proposal along with supporting documentation is collectively the “Application”.



**RELEVANT STATUTORY PROVISIONS**

[7] 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.

[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
4. December 21, 2015 letter from Patricia Ann Dowd and Robert Edward Zumwalt, Jr. to Silvia & Franz Laffer
5. December 23, 2015 letter from Patricia Ann Dowd and Robert Edward Zumwalt, Jr. to ALC
6. Twenty-nine letters of support from local agricultural operations in the area, local businesses, community groups, and neighbours (including 4 adjacent neighbours)
7. December 23, 2015 letter from Werner and Katy Flachs to the Commission
8. January 8, 2016 letter from Werner and Katy Flachs to Silvia and Franz Laffer
9. June 10, 2016 letter from Julian T.W. Kenny of Heartland Law LLP with attachments (items 5, 6, 7 and 8 above) to the Commission
10. June 13, 2016 letter from Julian T.W. Kenny of Heartland Law LLP to the Commission
11. June 15, 2016 email with attachments from Agent

All documentation noted above was disclosed to the Agent in advance of this decision.

## **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 improved agricultural capability rating identified on CLI map sheet 93A/06 for the mapping unit encompassing the Property includes Class 3, Class 4 and Class 5; more specifically (4:3T-3:4W-3:5T).



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.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

The limiting subclasses associated with this parcel of land are T (topographic limitations) and W (excess water).

- [13] The Panel reviewed the CLI rating and finds that the Property has relatively good agricultural capability, as is apparent by its status as a working ranch.
- [14] The Panel discussed the other secondary agri-tourism activities on the Property including: a 1,010 m<sup>2</sup> corn maze area, hay rides, wagon rides, trail rides and cattle drives, farm based photography sessions, farm tours and demonstrations, corn mazes and a 4-H cow camp.
- [15] The Panel noted the Applicants are bona fide ranchers who are looking for other income sources from the Property that would not have an impact on their ranching operation. Furthermore, the local government report explains that the Proposal is based on the "Farm to Plate Concept" where guests experience the farm settings and are fed produce from the ranch and meat from the butchering facility which would have a positive impact on the agricultural operations.
- [16] The Panel believes that as long as the proposed events do not exceed their existing footprint on agricultural land, there will be no adverse agricultural impact. For example, the Panel expects that no further ground is disturbed through activities such as vehicle traffic or building expansion and that foot traffic is kept to one path. The Panel believes that if the Applicants agree to these restrictions then there will be no adverse impact on agriculture.

[17] The Panel also discussed the expansion of the butchering facility on the Property, and believes that it provides a necessary service to the agricultural community. The Panel also understands from the Applicant that the meat cutting facility is health inspected and has all their other approvals in place as a cut and wrap, no kill facility. As such, the Panel is supportive of the expansion of the meat-cutting business to exceed the 50% threshold stipulated in the Regulations, as long as it remains within its current footprint and remains a secondary use of a working ranch with farm status.

[18] Furthermore, the Panel discussed that without the primary agricultural use of the Property, the proposed secondary uses of the event business and meat cutting facility would not be permitted. These two non-agricultural businesses are to remain as secondary uses to the primary use of the Property as a ranch. If there is no significant agricultural use of the Property, the secondary businesses would not be permitted to continue. A new non-farm use application to the Commission would be required if anyone on the Property wanted to run the businesses without the agricultural use of the Property.

[19] The mandate of the Commission is to preserve agricultural land and to encourage farming within the Agricultural Land Reserve. The Applicants have provided sufficient agricultural rationale for the proposed non-farm use. The Panel believes that in this particular case, the proposal for non-farm use is consistent with objective of the *ALCA* to preserve and encourage agriculture.

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

[20] In this circumstance, the Panel finds that the proposed non-farm uses are supportive of the ranch business from an economic standpoint. This said the Panel wishes to make it abundantly clear that these non-farm uses would not be appropriately located in the ALR in the absence of any farm or ranch activity.

[21] The Panel notes that there are numerous letters of support from neighbours (of which three are adjacent), local agricultural operations, community groups and local businesses within the area.

[22] Further, the Panel appreciates and discussed the comments provided and experiences shared by Patricia Ann Dowd, Robert Edward Zumwalt, Werner and Katy Flachs and Julian Kenny. While these letters raise very valid concerns, they are not within the purview of the Panel on which to base their decision. The Cariboo Regional District (the "CRD") and other government bodies also have jurisdiction over this land, and are more appropriate bodies to comment on and mitigate concerns regarding public health, safety and nuisance; or to stop the Proposal from moving forward if any of these issues cannot be resolved to the satisfaction of the decision-makers. The Panel understands that the local government appears willing to consider mitigating these concerns through their own requirements.

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

[23] While the Panel appreciates the CRD's current support as it pertains to the Proposal, the Panel finds that this alone, would be insufficient to outweigh the first priority that must be given to agriculture relative to land that is both capable and suitable for agricultural use. However, the Panel appreciated the agricultural lens with which portions of the staff report was written.

[24] The Panel is concerned with the possible rezoning of portions of the Property to a commercial zone, and indicated that the special agricultural zoning, not blanket commercial zoning is supportable.

Weighing the factors in priority

[25] The Property has good agricultural capability and suitability as is evidenced by the CLI mapping and its existence as a working ranch.





[26] The Property is located within Zone 2, which requires the Panel to consider the criteria outlined in s. 4.3. While the economic, cultural, social and local government community planning rationale of the Proposal were not sufficient to outweigh the agricultural values of the Application, the Panel found them to be contributory. Both the proposed events business and meat cutting business are currently secondary uses of the Property, supporting and potentially enhancing the primary agricultural use.

[27] The Panel believes that as long as there is no expansion of the footprints, or land disturbance of either the event business or the meat cutting business, that in this particular case, the Panel believes that the Proposal will not have a negative impact on the agricultural use of the Property or surrounding agricultural operations.

### **DECISION**

[28] For the reasons given above, the Panel approves the Proposal to continue hosting special events on the Property and to allow the meat cutting facility to exceed the 50% of off farm meat regulation.

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

- a. the non-farm uses being in substantial compliance with the plan submitted with the Application;
- b. that agriculture continues to be the primary use of the Property, and that the event business and meat cutting facility remain secondary uses. If agriculture ceases to be the primary use of the Property, and the landowners wish to continue these non-farm uses, a new Application will be required;
- c. the foot print of the special events are contained to existing roads and structures only, and that there is no additional disturbance to agricultural land;
- d. if a rezoning occurs that it is only special agricultural zoning, not blanket commercial zoning;
- e. if the Applicants are interested in expanding their meat cutting facility in terms of business, that the footprint of the area used does not increase; and



- f. Approval for non-farm use is granted for the sole benefit of the Applicant and is non-transferable.

[30] 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.

[31] Panel Chair **Lucille Dempsey** concurs with the decision.  
Commissioner **Richard Mumford** concurs with the decision.  
Commissioner **Roger Patenaude** concurs with the decision.

[32] Decision recorded as Resolution #240/2016.

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 #240/2016. The decision is effective upon release.

A handwritten signature in black ink, appearing to be 'CF', is located on the left side of the page.

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**Colin J. Fry, Director of Policy and Planning**

**June 28, 2016**

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**Date Released**



