



Agricultural Land Commission
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October 5, 2016

ALC File: 54688

Redekop Development Corporation
102-31324 Peardonville Rd
Abbotsford, BC V2T 6K8

Attention: James Redekop

Dear Mr. Redekop:

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

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #353/2016) as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) 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.

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

Enclosure: Reasons for Decision (Resolution #353/2016)

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cc: Peace River Regional District (File: 014/2016)

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AGRICULTURAL LAND COMMISSION FILE 54688

REASONS FOR DECISION OF THE NORTH PANEL

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

Applicant:

**FSJ Aurora Holdings Inc.,
No. BC1031618
(the “Applicant”)**

Agent:

**Redekop Development
Corporation
(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: 014-507-862

The North East $\frac{1}{4}$ of Section 5, Township 84, Range 18, West of the 6th Meridian,
Peace River District, Except Plans 11903, 19028 and 25335 (the "Property")

[2] The Property is 58.1 ha in area.

[3] The Property is located east of Fort St. John, adjacent to Fort St. John Hospital & Peace Villa.

[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. 30(1) of the *ALCA*, the Applicants are applying to exclude the 58.1 ha Property with the purpose of residential development. The Property is included in the City of Fort St. John's boundary extension (the "Proposal"). The Proposal along with supporting documentation is collectively the application (the "Application").

RELEVANT STATUTORY PROVISIONS

[7] 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.

[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. Previous 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 two previous applications involving the Property:

Application ID: 43824
Legacy File: W-37259
(L & M Engineering Ltd., 2007)

To exclude the 57.9 ha subject property for the purpose of developing it for heavy industrial use. The Commission considered the application in the context of the Fort St. John and Area Comprehensive Development Plan (CDP). The Property is located in an area designated by the CDP for heavy industrial development. As such, the Commission has no objection to the use of this area for this purpose. The phasing of this portion of the heavy industrial area is not clear on the final CDP map. The property to the south is clearly designated as Phase I and it has not been developed. The property to the north is designated as Phase II. The subject property falls in between and it is not clear in which phase this property was to be developed. The Commission was somewhat concerned that by excluding this property before the property to the south it would be leapfrogging and not developing in an orderly fashion; however as the designation is not clear it is willing to consider allowing some development in principle. It has been the Commission's experience that new heavy industry is an uncommon use. As such, the Commission wishes to ensure that the subject property will be used for heavy industry as designated and not rezoned for some other purpose once excluded if a suitable purchaser for the land cannot be found in the short term. The Commission required the property to be rezoned to a heavy industrial zone as well as require the submission of a specific use plan before it will exclude the property. Approved, subject to the following conditions:



- The rezoning of the property to a Heavy Industrial zone
- The submission of a specific use plan for the property.
- The commencement of construction of the specific use.

Resolution # 198/2007

Note: The conditions were not fulfilled.

Application ID: 15853
(Vause, 1978)

To subdivide a 6.65 acre homesite from the Property.
Approved by Resolution #10370/78.

SITE VISIT

[12] On August 15, 2016, the Panel conducted a walk-around and meeting site visit in accordance with the *Policy Regarding Site Visits in Applications* (the “Site Visit”).

[13] A site visit report was prepared in accordance with the *Policy Regarding Site Visits in Applications* and was provided to Brian Canfield and James Redekop on September 8, 2016 (the “Site Visit Report”). On September 13, 2016, James Redekop of Redekop Developments Corp. and Brian Canfield of FSJ Aurora Holdings Inc. confirmed that the Site Visit Report accurately reflects the observations and discussions that occurred on August 15, 2016.

APPLICANT MEETING

[14] On August 15, 2016, the Panel conducted a meeting with the Applicant (the “Applicant Meeting”) in accordance with s. 22(1) of the Regulation. The Applicant Meeting was held at the North Peace Cultural Center in Fort St. John. Those in attendance were:

- Dave Merz Vice Chair, North Panel
- Garry Scott Commissioner, North Panel
- Sandra Busche, Commissioner, North Panel (via telephone)

- Jess Daniels, Commission Land Use Planner
- James Redekop, Redekop Developments Corp.
- Brian Canfield, FSJ Aurora Holdings Inc.

Mr. Canfield and Mr. Redekop introduced their respective backgrounds and provided an overview of the Property and Proposal as outlined in their submission of a report to the Commission dated August 10, 2016. This included a background on the key principles of the Proposal, review of the 20 year history of the Property and the planning context.

FINDINGS

Section 4.3(a) and Section 6 of the ALCA: First priority to agriculture

[15] 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 94A/07 for the mapping units encompassing the Property is 100% Class 2C.

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.

The limiting subclass associated with this parcel of land are C (adverse climate).

[16] The CLI ratings indicate that the Property has excellent agricultural capability.

[17] Peace River Regional District (the "PRRD") staff provided the following information regarding agriculture on the Property: *"The proposal will have the impact of significantly reducing the agricultural output of the subject property as it will no longer be farmed once it is developed..."*

PRRD staff provided the following information regarding the context of the area: *The subject property is adjacent to the City of Fort St. John, east of the Fort St. John Hospital and Peace Villa. The subject property is surrounded by ALR lands to the north, east, and south. There are quarter sections to the north and east, and small farms to the south (approximately 45 acres in size). To the west is the mostly undeveloped quarter section that contains the Fort St. John Hospital and Peace Villa. There are two parcels that have been subdivided from the southeast of the subject property. Both are residential...*

...This proposal is not keeping with the context of the area. The surrounding area is not highly developed, and the parcel is adjacent to a complete quarter section that is currently farmed”.

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

[18] The Applicant provided the following information citing economic, cultural and social values: *“Fort St. John is one of the fastest growing communities in Canada and is concerned that it continues to have readily available land to help service this growth. In this regard, it has recently commenced a boundary expansion process which would bring the Property (among other lands) into the City...*

...The stated purpose of the City for the boundary expansion is to manage and accommodate growth requirements that cannot be met by vacant lands within the existing City boundaries and to protect the strategic interests of the City with respect to future growth and development...

...The City has made it very clear to us that the Property has strategic importance to it in ensuring there is adequate capacity of serviced land to accommodate the expected ongoing residential growth in the area. Failure to do so could impact economic and social values...



...The Fort St. John Hospital is located nearby the Property as will be the location of a new school. A City water reservoir is located across the street from the Property and other services required for building a new community are nearby...

...After extensive consultation with the public, the City of Fort St. John's long-term planning for the Property indicates multi-family and single family residential usage, along with commercial buffers. As an example of this planning, we understand that the City is now proposing to change the name of East Bypass Road to Northern Lights Drive."

[19] The Panel understands the economic, cultural and social values arguments from the perspective of the Applicant.

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

[20] The Property is designated as Agriculture within the PRRD North Peace Fringe Area (NPFA) Official Community Plan ("OCP") Bylaw No.1870 (2009) wherein the minimum parcel size is 63 ha; therefore, the Proposal is not consistent with the OCP.

[21] The Property is zoned A-2 (Large Agricultural Holdings Zone) pursuant to Zoning Bylaw No. 1343 (2001) wherein the minimum parcel size is 63 ha; therefore, the Proposal is not consistent with the zoning.

[22] In their report, PRRD planning staff note the following comments provided by the City of Fort St. John: *"The City supports the application area for exclusion form the ALR for development subject to the area successfully coming into the City's jurisdiction. The City would not support exclusion from the ALR should the area remain in PRRD jurisdiction, resulting in development immediately adjacent to the boundaries."*



Weighing the factors in priority

[23] In considering s. 4.3(a) and the first priority to agriculture, the Panel notes that the Property has excellent agricultural capability owing to a CLI rating of Class 2. While not currently in agricultural use, the Panel notes that the Proposal would permanently remove the land from agricultural production. The Panel notes that the Property is bounded by ALR land to the north, east, and south and that the Proposal for residential subdivision is not keeping with the context with the area.

[24] In considering s. 4.3(b), the Panel notes that the Proposal would provide a social, cultural and economic benefit to the City of Fort St. John as outlined by the applicant in Paragraph [18].

[25] The Panel notes that the Commission approved the exclusion of the Property in a previous application by Resolution #198/2007 subject to a number of conditions that were not completed; including the rezoning of the Property to a Heavy Industrial designation.

[26] The Panel notes that the Commission undertook an extensive planning exercise with the Peace River Regional District during the creation of the Fort St. John and Area Comprehensive Development Plan (CDP) in which the Commission agreed to the designation of the Property by the CDP for heavy industrial development. However the Panel is also aware that the Peace River Regional District amended its planning designations on the Property to Agriculture in its development of the North Peace Fringe Area Official Community Plan, which currently applies to the property. The Panel confirms that the ALC endorsed the current Agriculture designation.

[27] In considering s. 4.3(c) and consideration to regional and community planning objectives, the Panel confirms that the Proposal is not consistent with the current OCP or zoning designations.



DECISION

[28] For the reasons given above, the Panel refuses the Proposal.

[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 #353/2016.

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 #353/2016. The decision is effective upon release.

A handwritten signature in black ink, appearing to be 'CJF', is written above the name of the Director of Policy and Planning.

Colin J. Fry, Director of Policy and Planning

October 5, 2016

Date Released