



Agricultural Land Commission
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July 13, 2016

ALC File: 54775

Jim Sloper
Via email: gunfight@telus.net

Dear Mr. Sloper:

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

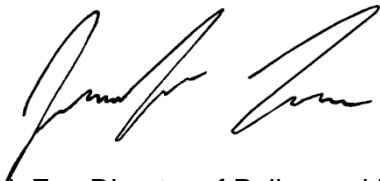
Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #262/2016) as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly. A sketch plan depicting the decision is also attached.

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).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Colin J. Fry, Director of Policy and Planning

Enclosures: Reasons for Decision (Resolution #262/2016)
Sketch plan

cc: Thompson-Nicola Regional District (File: ALR 93) via email: danwallace@tnrd.ca
Ministry of Forests, Lands and Natural Resource Operations via email:
Laila.Salm@gov.bc.ca and Barb.Wheatley@gov.bc.ca



AGRICULTURAL LAND COMMISSION FILE 54775

REASONS FOR DECISION OF THE INTERIOR PANEL

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

Applicant:

**Province of British Columbia
(the “Applicant”)**

Agent:

**Jim Sloper for
Heffley Creek Rifle, Shotgun &
Handgun Club
(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:

That part of the West ½ of Section 19, Township 22, Range 16, West of the 6th Meridian, Kamloops Division Yale District
(the “Property”)

[2] The Property is 111.25 ha in area. 70.0 ha of the Property are located within the Agricultural Land Reserve (the “ALR”).

[3] The Property is generally described as being located north east of Kamloops at Heffley Creek.

[4] The Property is located within a designated agricultural land reserve 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 Heffley Creek Rifle, Shotgun & Handgun Club (the “Club”) is applying to build permanent structures (clubhouse, a caretaker dwelling, and a short-term dry camping area which will be limited to members use during occasional weekend events) within a 1.5 ha lease area. This area will be located within the 15.0 ha Licence of Occupation (LOC) on which the Club has operated a shooting range since 1983 (the “Proposal”). The Proposal along with supporting documentation is collectively (the “Application”).

[7] On January 27, 2016, the Chair of the Agricultural Land Commission (the “Commission”) referred the Application to the Interior 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. Comments from Ministry of Forests, Lands and Natural Resource Operations (MFLNRO) Range Officer Laila Salm, P.Ag
4. Previous application history
5. Agricultural capability map, ALR context map and satellite imagery

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

[12] The Panel reviewed previous applications involving the Property:

Application ID: 31043
Legacy File: ZZ-15496
(Lands, Parks, Housing, 1982)

This Application proposed to develop a rifle and handgun shooting facility on portions of the Property. The Commission allowed the proposal by Resolution #2015/82 subject to conditions including; that the area be fenced and cattle guards installed on all roads of the property; that Heffley Creek Club be responsible for maintenance of fences and cattle guards; that shooting be restricted during the months (May and June) when cattle are grazing in the area.

Application ID: 37362
Legacy File: (ZZ-21862)
(Ministry of Forest, 1988)

This application requested to expand the existing target shooting range to 38.2 ha. The use of the Property at the time was forested hillside and natural pasture range land. The Commission allowed the use on the condition that shooting be restricted during from May 1st to June 15th when cattle are grazing in the area. Resolution #13403/1988. The Agent explained that the paperwork to follow through on this expansion was never completed.

SITE VISIT

[13] On March 7, 2016, the Panel conducted a site visit of the Property (the “Site Visit”). In attendance:

Lucille Dempsey, Panel Chair

Roger Patenaude, Commissioner

Rick Mumford, Commissioner

Ron Wallace, Commission Land Use Planner

Jim Sloper, Agent

Rick Totten, President - Heffley Creek Rifle, Shotgun & Handgun Club

[14] The Commissioners viewed the Property with the Agent and discussed the Proposal to expand the existing sport shooting range. It was noted the Property is owned by the Crown and is located in a remote area of Heffley Creek. The Agent explained that the existing shooting range use comprises an area of approximately 15 ha which is generally flat and cleared and that the proposal is for the gun club to convert a portion of the existing LOC to a Crown Lease to provide more permanent improvements to the facility. The remainder of the Property is generally hilly and treed. The Property, as well as other Crown lands which surround the Property, have active grazing tenures and as such, the Panel discussed the need for more information from the MFLNRO regarding any impacts to the surrounding grazing tenures. During the Site Visit the Commissioners and Agent discussed supplying water for cattle. The Club is planning to drill a well on site and discussed the Club running a water line to the property line and installing a hydrant which the grazing licence holder could access and use to develop a water site for cattle. The installation of the waterline and hydrant was discussed to be at the Club’s cost, and the location of the hydrant would be determined by the Club and the grazing licence holder.

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 ratings

identified on CLI map sheet 92I/16 for the mapping units encompassing the Property are Class 4, Class 5 and Class 6; more specifically (6TR) and (6:4PT-3:5TP-1:6TP).

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.

Class 6 - land is important in its natural state as grazing land. These lands cannot be cultivated due to soil and/or climate limitations.

The limiting subclasses associated with this parcel of land are P (stoniness) and T (topographic limitations) and R (Consolidated bedrock).

[16] The Panel reviewed the CLI ratings and finds that the Property has moderate agricultural capability.

[17] On the Property there is presently a grazing tenure, with active grazing within the area from May 1st to June 15th. The Panel discussed that forage is a priority on the Property and that issues such as access, and mitigating the spread of invasive plants be addressed.

[18] The Panel also discussed the potential of a well which would improve the surrounding agriculture land as there is limited water for livestock, despite the land being best suited for grazing, and believed that this would have a positive impact on the agricultural suitability of the land.

[19] Laila Salm, Range Agrologist for the MFLNRO also had some recommendations for conditions on the lease portion of the Application, indicating that her office could support the lease proposal if the conditions were met. The Panel agreed with the conditions she laid out in her May 26, 2016 correspondence and decided to incorporate them into its decision.

[20] Through correspondence with Commission Staff, it is understood that the Club is also applying to increase their LOC from 15.0 ha to 111.25 ha. The Panel believes that it does not have enough information at this time to consider this portion of the Application. The Panel notes that this expansion was not mentioned in detail within any of the documents it received for consideration, and further MFLNRO's consideration of the Application did not appear to include the proposed expansion. However, the Panel notes that the Commission previously approved an increase in the LOC from 15.0 ha to 38.2 ha which the Club never carried through. As this approval still stands the Panel will uphold this previous decision and permit the expansion to 38.2 ha. Furthermore, the Panel notes that only 70.0 ha of the Property is within the ALR. The Panel wishes to note that the Commission does not have jurisdiction on 41.25 ha of land outside of the ALR, as such the Panel highly recommends that the Club seeks explicit approval for use of land outside the ALR from the necessary bodies of local and provincial government; the MFLNRO (and specifically the Range Officers) may have recommendations to limit the Club's impact on the other uses of the land. Regarding the ALR portion of the Property, the Panel indicates that it is in favour of keeping the LOC as small as possible within the ALR so if the Club is interested in pursuing anything beyond the 38.2 ha on the ALR portion of the Property, the Panel will require a new application with detailed information as to the rationale for the proposal and accurate mapping illustrating the proposed land use on the area requested.

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

[21] 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

[22] The Property is designated as Agriculture and Rural Resource in the Kamloops North Official Community Plan ("OCP"), within which the Proposal is in compliance.

[23] The Property is zoned Agriculture/Forestry Zone (AF-1) in the Thompson-Nicola Regional District (the “TRND”) Zoning Bylaw No. 2400. TNRD Planning staff note that the Proposal requires a site-specific zoning amendment: *“the terms of the amendment would result in agriculture (and future residential) as primary uses with seasonal sport shooting range being an accessory use”*.

Weighing the factors in priority

[24] The Panel discussed the Commission’s approval of the shooting range in 1983, and does not believe that the current Proposal poses significant additional impact to agriculture. However, the Panel notes that cattle grazing occurs annually between May 1st to June 15th and as such conditions should be put in place to ensure that agricultural values on and off the Property are not adversely impacted by the Proposal. The Commission appreciated receiving the comments and suggested conditions from the MFLNRO Range Officer and has the understanding from the Agent that these have already been discussed between the Club and the range holder. Formalising these discussions through written agreements will serve to protect the current and future range tenure holders.

[25] The Panel gave consideration to economic, cultural and social values as required by Section 4.3(b). The Panel believes that the Proposal supports cultural and social values by allowing the Heffley Creek Gun Club (a registered society since 1983) to continue its operations.

[26] The Panel notes that the Proposal is consistent with regional and community planning objectives as required by 4.3(c).

DECISION

[27] For the reasons given above, the Panel approves the Proposal to build permanent structures (clubhouse, a caretaker dwelling, and a short-term dry camping area which will be limited to members use during occasional weekend events) within the 1.5 ha lease area.

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

- a. when the Club drills a well, that they do it in a location agreed upon by the grazing license holder, and run a water line and hydrant to the border of the lease area so the grazing license holder can access and develop a water site for cattle;
- b. containing the permanent buildings, campsite and activities within a 1.5 ha lease site;
- c. containing all shooting range activities and impacts within the 38.2 ha License of Occupation area;
- d. agreement not to open the gun range while cattle are present, this timeline must be established with the range holder's input, a restriction on shooting between grazing period May 1st and June 15th was initially recommended but should be agreed upon by the Club and range holder;
- e. the construction and maintenance of a fence to MFLNRO specifications around the lease site for the purpose of keeping cattle out of the site;
- f. access through the remainder of the Property would not be impeded for the livestock users to move cattle and haul water;
- g. agreement in the lease to allow continued livestock use of the gun range site;
- h. control of invasive plants as required, and preventative practices such as seeding of any ground disturbance undertaken to prevent weeds from establishing;
- i. no further expansion of the shooting range which increases the netdown of this range pasture as the cumulative effects of increased development of the area has already taken land out of productive grazing on critical spring range; and
- j. approval for non-farm use is granted for the sole benefit of the Heffley Creek Rifle, Shotgun & Handgun Club and is non-transferable.

[29] 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.

[30] Panel Chair **Lucille Dempsey** concurs with the decision.

Commissioner **Richard Mumford** concurs with the decision.



Commissioner **Roger Patenaude** concurs with the decision.

[31] Decision recorded as Resolution #262/2016.

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 #262/2016. The decision is effective upon release.

A handwritten signature in black ink, appearing to be 'CF', is written over the signature line.

Colin J. Fry, Director of Policy and Planning

July 13, 2016

Date Released

