



**Agricultural Land Commission**  
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July 12, 2016

ALC File: 54924

Dakota Contracting Ltd.  
1141-97 Ave  
Dawson Creek, BC V1G 1N5

Dear Sir:

**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 #259/2016) as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) 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 #259/2016)

cc: Peace River Regional District (File: 026/2016)

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## **AGRICULTURAL LAND COMMISSION FILE 54924**

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

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

**Applicant:**

**Dakota Contracting  
(the “Applicant”)**

**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: 014-509-253

The South West ¼ of Section 26, Township 79, Range 17, West of the 6<sup>th</sup> Meridian,

Peace River District, Except Plan 18828

(the “Property”)

[2] The Property is 64.3 ha in area.

[3] The Property is generally described as being located 8 km west of the Mason Road (237 RD) and 8 km south of Parkland Road along 216 Road and 243 Road

[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 Applicant is applying to use approximately 6 to 8 ha to operate a water reservoir, including access road and a water handling facility to accommodate conservation, agricultural, and oil and gas use (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

All documentation noted above was disclosed to the Applicant 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 ratings identified on CLI map sheet 93P/15 for the mapping units encompassing the Property are Class 3 and Class 4; more specifically 50% 4X and 50% 3W.

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 subclasses associated with this parcel of land are W (water excess) and X (combination of soil factors).

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

[14] The Applicants provided the following information regarding the non-farm use proposal: *"Long term, this will be an agricultural program. Water reservoir is approximately 80% complete as we did not anticipate oilfield usage when we started and we didn't realize we need permits or license on private land, especially for agricultural usage. Water will only be taken during snow melt in the spring or heavy rain flood*



*conditions in summer. There will be no downstream affects in dry to moderate conditions and reservoir may mitigate flood conditions and erosion in wet times”.*

[15] Peace River Regional District (the “PRRD”) Planning staff provided the following comments regarding the Property: *“The subject property is currently being used for hay and/or grazing, oil and gas well/facility and an incomplete water reservoir that is the reason for this application for Non-farm Use within the ALR”.*

[16] *The Panel notes that the Property has good agricultural capability and is currently used for agricultural purposes.*

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

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

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

[18] The Property is designated ‘Agriculture-Rural’ within the PRRD Rural Official Community Plan (“OCP”) Bylaw No. 1940 (2011). PRRD Staff provided the following comment: *“Within this designation, the principle use of the land is generally limited to uses required for operating a farm or businesses which are directly compatible or complementary to the agricultural industry...this proposal will not require an OCP amendment”.*

[19] The Property is zoned A-2 (Large Agricultural Holdings) within the Dawson Creek Rural Area Zoning Bylaw No. 479 (1986). PRRD Staff provided the following comment: *This designation states that agriculture and oil and gas production, processing, storage, transmission and exploration are a permitted use within this zone. Therefore, this proposal will not require a zoning amendment*



Weighing the factors in priority

[20] In considering s. 4.3 (a) and the first priority to agriculture, the Panel does not believe that the Proposal poses a significant negative impact to agricultural land. The Panel notes that the Property is currently used for agricultural purposes and that area for the proposed non-farm use is small (~6 - 8ha).

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

[23] 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.

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

[25] Decision recorded as Resolution #259/2016.

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 #259/2016. The decision is effective upon release.



A handwritten signature in black ink, appearing to be the initials 'CF'.

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

**July 12, 2016**

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**Date Released**