



Agricultural Land Commission
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August 3, 2016

ALC File: 55188

Amber and James Mohr
Via email: amohrllbc@gmail.com

Dear Mr. and Mrs. Mohr:

Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution # 292/2016) as it relates to the above noted application.

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.

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

Enclosure: Reasons for Decision (Resolution #292/2016)

cc: Thompson Nicola Regional District (File: ALR 109)



AGRICULTURAL LAND COMMISSION FILE 55188

REASONS FOR DECISION OF THE INTERIOR PANEL

Application submitted pursuant to s. 21(2) of the *Agricultural Land Commission Act*

Applicants:

**Amber Mohr
James Mohr
(the “Applicants”)**

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: 014-209-667

The South ½ of the North West ¼ of Section 32, Township 17, Range 20, West of the 6th Meridian, Kamloops Division Yale District
(the “Property”)

[2] The Property is 32.8 ha in area.

[3] The Property has the civic address 8700 Old Meadow Road, Logan Lake.

[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. 21(2) of the *ALCA*, the Applicants are applying to subdivide the Property to create a 4.0 ha parcel for the Applicants’ son and retain the 28.8 ha parcel (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*:

21(2) An owner of agricultural land may apply to the commission to subdivide 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 Applicants 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 92I/07 for the mapping unit encompassing the Property is Class 5 and Class 6; more specifically a significant majority of the Property is unimprovable from (6:5C - 4:6TR) and the northeastern corner is unimprovable from 6TR.

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 the Property are C (climate), R (bedrock near surface) and T (topographic limitations).

[13] The Panel reviewed the CLI ratings and find that they are consistent with the surrounding agricultural areas. The Property is located in an area of predominantly large agricultural parcels within the ALR and Crown land outside of the ALR which still used for grazing. The identified CLI rating is characteristic of grazing lands in the area and is generally more productive in larger parcels.

[14] The Panel also reviewed the surrounding areas and discovered that there are numerous active range tenures in close proximity to the Property, and were concerned that the fragmentation of agricultural land and the introduction of a residential parcel into the area would have an adverse impact on the surrounding ranch operations currently and in the future.

[15] Further, it is often argued that subdivision is warranted as a part of the property may have minimal agricultural use or may be considered the 'least productive' portion of the property, in this case potentially due to the tree cover north of the road. This argument is often predicated on the belief that the area has no value because soil bound agriculture or grazing of animals is either challenging or impractical. However, farms and ranches can often use these areas to support agricultural operations for purposes such as a holding area for livestock as the tree cover in this area would be beneficial. In this particular case, the Panel believes that the proposed subdivision area has utility for the potential overall farm operation, and as such the Property is best left intact.

[16] The Panel also believes that the road did not present a significant impediment to farming the Property as a whole.

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

[17] The Applicants did not provide any evidence or rationale regarding any economic, cultural and social values that are pertinent to the Application.

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

[18] The Panel noted that there is no Official Community Plan for this area, but that it is consistent with the Thompson-Nicola Regional District's zoning designation. The Board recommended and forwarded the Application to the Commission.

[19] While respectful of the Regional District's current zoning as it pertains to the Property and its recommendation, 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.

Weighing the factors in priority

[20] The Property has good agricultural capability and suitability for grazing as is apparent by the agricultural capability ratings for the area, and the presence of numerous grazing tenures in the area.

[21] The proposed subdivision area has utility for the overall farm operation and is best left as part of the Property.

[22] The introduction of a residential parcel into the area could have an adverse impact on the surrounding grazing operations.

[23] 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

[24] For the reasons given above, the Panel refuses the Proposal to subdivide a 4.0 ha parcel from the 32.8 ha Property.

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

[26] Decision recorded as Resolution #292/2016.

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 #292/2016. The decision is effective upon release.

A handwritten signature in black ink, appearing to be 'CJF', is written over a horizontal line.

Colin J. Fry, Director of Policy and Planning

August 2, 2016

Date Released