



**Agricultural Land Commission**  
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December 8, 2016

ALC File: 55224

Petrus J. Van Der Merwe  
32625 Pelican Lake Road  
Prince George, BC V2N 6H1

Dear Mr. Van Der Merwe

**Re: Application to Include Land into the Agricultural Land Reserve (ALR)**

Please find attached the Reasons for Decision of the North Panel (Resolution #424/2016) as it relates to the above noted application. As agent, it is your responsibility to notify the applicant accordingly.

**Reconsideration of a Decision as Directed by the ALC Chair**

Please note that pursuant to [s. 33.1 of the \*Agricultural Land Commission Act\*](#), the Chair may direct the executive committee to reconsider any 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 s. 6, or does not adequately take into consideration s. 4.3.

You will be notified in writing if the Executive Committee is directed to reconsider your decision. The Commission advises you to take this 60 day period into consideration prior to proceeding with any actions upon this decision.

**Reconsideration of a Decision by an Affected Person**

We draw your attention 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.

For further clarity, s. 33.1 and s. 33(1) are separate and independent sections of the *Agricultural Land Commission Act*.

Further correspondence with respect to this application is to be directed to Jess Daniels at (Jessica.Daniels@gov.bc.ca).

Page 2 of 2

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink that reads "Jess Daniels". The signature is written in a cursive, flowing style.

Jess Daniels, Land Use Planner

Enclosure: Reasons for Decision (Resolution #424/2016)

cc: Fraser-Fort George Regional District (File: ALR UCL DL1019)

55224d1



## **AGRICULTURAL LAND COMMISSION FILE 55224**

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

**Application submitted pursuant to s. 17(3) of the *Agricultural Land Commission Act***

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

**Agent:** Petrus J. Van Der Merwe  
(the “Agent”)

**Application before the North Regional Panel:** Dave Merz, Panel Chair  
Sandra Busche



## **THE APPLICATION**

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

Unsurveyed Crown Land in the Vicinity North of District Lot 1019, Cariboo District  
(the "Property")

[2] The Property is 78.8 ha in area.

[3] The Property is generally described as being located 14 km on the Pelican Forest Service Road, Prince George.

[4] The Property is located outside 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. 17(3) of the *ALCA* the Applicant is applying to include the Property into the ALR for the purpose of hay production (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. 17(3) of the *ALCA*:

17(3) On application by an owner of land, the commission may designate all or part of the land described in the application as part of an agricultural land reserve if the commission considers that the designation carries out the intent of this Act.

[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 Agricultural Land Commission (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 Agent in advance of this decision.

[11] At its meeting of July 21, 2016, the Regional District of Fraser-Fort George (the “RDFFG”) resolved to forward the Application with the following comments:

*“THAT the application by the Ministry of Forests, Lands and Natural Resource Operations to include Unsurveyed Crown Land in the Vicinity North of District Lot 1019 Cariboo District into the Agricultural Land Reserve be recommended for approval”.*

## **SITE VISIT**

[12] 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

[13] 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 93G/11 for the mapping unit encompassing the Property is 100% Class 7TC.

Class 7 - land has no capability for soil bound agriculture.

The limiting subclasses associated with this parcel of land are T (topographic limitations) and C (adverse climate)

[14] Based on the review of the CLI ratings, the Panel finds that the Property has no agricultural capability.

[15] The RDFFG Planning Staff provided the following comments regarding the Proposal:

- *“An application for a direct sale Crown grant has been made to the Ministry of Forests, Lands and Natural Resource Operations for agricultural purposes”.*

- *“The land is required for the purpose of enhancing the agent’s existing agricultural enterprise. As per Ministry of Forests, Lands and Natural Resource Operations application policy, an application must be made to include the land into the Agricultural Land Reserve (ALR)”.*
- *“The subject area is undeveloped timbered Crown land. The surrounding Pelican/Punchaw area is predominantly undeveloped Crown land with forestry activity and a small ranching/farming community. The land is not within a fire protection area. The land is accessible from Pelican Lake Forest Road”.*

[16] The Ministry of Forest, Lands and Natural Resource Operations (MFLNRO) provided the following comments regarding the Proposal:

*“...Myself and our senior land officer did a site visit where we walked the entire application area. We did several small test pits to determine arability. As a result of the field visit, we met with Peter and changed the shape to remove some of the stonier portions as well as the steepest slope. We communicated with Peter that there was a relatively high amount of stone. He acknowledged that and confirmed that he had walked the ground thoroughly and felt confident that he would be able to successfully farm this land. I reviewed his performance on past crown grants and he has proven that he is capable and willing to work difficult and/or stoney ground. He mentioned to us that he recently acquired a rock picker to help with some of the more difficult areas. With all the information I was able to gather as well as several conversations with Peter, I am confident he will be able to successfully farm the area despite it being in soil class 7”.*

[17] The Ministry of Agriculture (MOA) provided the following comments regarding the Proposal:

*“The parcel is in an area of Agricultural Capability Class 7, this class is most often associated with forest grazing as the primary agricultural use and would not typically be considered a class associated with the ALR however, discussion with FLNRO Lands staff who have conducted an assessment of the site and of the proponent’s*

*capacity to develop the site for hay production indicate a high likelihood of successful agricultural development with sufficient management effort, inputs, and appropriate equipment. With this high likelihood of successful development of the parcel for hay production there are fewer concerns related to the capability class, topography, and stoniness”.*

[18] The Panel reviewed a map submitted with the staff report which shows the location of the Applicants other properties used for “existing farm holdings”. The Panel notes that these properties that are not located near the Property. For this reason, the Panel is unclear in how the Proposal enhances the existing farming operation.

[19] In reviewing the context map, the Panel notes that the Property proposed for inclusion is not located near the ALR boundary in the area.

[20] The Panel notes that CLI rating of the Property is Class 7 and is currently undeveloped, timbered Crown land which is surrounded by forestry activities. The Panel also notes that the Crown Land surrounding the parcel is currently part of an active Range Tenure.

[21] The Panel notes the comments provided by MFLNRO and the MOA. The Panel does not find the comments in support of the agricultural capability of the Property compelling in the proposal to include the Property into the ALR following its review of the CLI ratings, air imagery and surrounding land use and context of the Property.

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

[22] The Application did not provide any information specifically citing economic, cultural, or social values.



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

[23] The Property is designated Agriculture/Resource (Ag/Res) by the Chilako River-Nechako Official Community Plan. The Property is not subject to zoning.

Weighing the factors in priority

[24] In considering s. 4.3 (a) and the first priority to agriculture, the Panel notes that the Property is currently forested and not used for agriculture. The Panel believes that the land is not suitable for agriculture following the review of the CLI ratings which list the Property as Class 7 limited by topography and climate. While respectful of the comments provided by the MFLNRO and MOA regarding the potential agricultural capability of the Property, the Panel did not find these statements to be compelling reasons to include the land into the ALR. For these reasons, the Panel does not believe that the Property is suitable for inclusion into the ALR.

[25] In considering s 4.3 (b), the Panel notes that the applicant did not provide any social, cultural and economic values which are therefore not contributory to the Panel's decision.

[26] In considering s 4.3 (c) and the third priority to regional and community planning objectives, the Panel considered the context of the area. The Panel notes that Property is surrounded by undeveloped timbered Crown land and forestry activities and is not located near an ALR boundary. The Panel believes that the proposal is not suited to the context of the area and does not wish to create a standalone ALR parcel which would result in a non-defensible ALR boundary.

**DECISION**

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



[28] These are the unanimous reasons of the North Panel of the Agricultural Land Commission.

[29] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *Agricultural Land Commission Act*.

[30] This decision is recorded as Resolution #424/2016 and is released on December 8, 2016.

**CERTIFICATION OF DECISION**

A handwritten signature in black ink, appearing to read 'D. Merz', is written over a horizontal line.

Dave Merz, Panel Chair, on behalf of the North Panel

**END OF DOCUMENT**