



November 9, 2016

**Agricultural Land Commission**  
133–4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca  
ALC File: 55320

Vincent Communication & Controls Ltd.  
(by its agent Britt Land Services)  
c/o 1100, 630 - 6th Avenue SW  
Calgary, AB T2P 0S8

**Attention: Jeorden Stapleton**

Dear Mr. Stapleton:

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

Please find attached the Reasons for Decision of the North Panel (Resolution #373/2016) 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 #373/2016)  
                  Sketch Plan

cc: Peace River Regional District (File: 120/2016)

55320d1



## **AGRICULTURAL LAND COMMISSION FILE 55320**

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

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

**Applicant:**

**Tabitha Jane Dyer  
(the “Applicant”)**

**Agent:**

**Vincent Communication &  
Controls Ltd., by its agent Britt  
Land Services  
(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:

Parcel Identifier: 016-618-858

The South East 1/4 Of Section 14, Township 84, Range 20, West Of The 6<sup>TH</sup>  
Meridian, Peace River District, Except The South 4.267 Metres, And Plans 27378  
AND EPP26850  
(the "Property")

[2] The Property is 29.7 ha in area.

[3] The Property is generally described as being located west of Charlie Lake along the 244 Road and Old Hope 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 Applicants are applying to utilize 1.16 ha in order to construct a telecommunications tower to provide high speed internet connectivity to the surrounding community. (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. 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.



[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 September 8, 2016, the Peace River Regional District (“PRRD”) resolved to forward the application with the following comment:



*THAT the Regional Board support ALR Non-Farm Use Application 120/2016 (Dyer) and authorize the application to proceed to the Agricultural Land Commission as it is consistent with the Official Community Plan.*

[12] The Panel reviewed one previous application involving the Property:

Application ID: 51942  
(Dyer, 2010)

To exclude 16 ha from the southwest corner of the 63 ha property with the intention of developing four lots of 4.05 ha each which will be subdivided for residential use. The exclusion of 16 ha was approved on the grounds that the proposal is consistent with the North Peace Fringe OCP. Approved by ALC Resolution #2705/2010.

**Note: The 16 ha exclusion resulted in the current configuration of the Property.**

Application ID: 429  
(BC Rail Telecom, 1993)

To lease a 54m x 54m area for use as a communication site. The Commission approved the proposal subject to the site being restricted to a 4.1 m x 9.8m prefabricated equipment building, a 36.5m guyed tower and a 3.6m x 4.8 m power plant building. The Commission approved the proposal by Resolution # 364/1993.

Application ID 1833  
Milan, 1993

To establish a 10 m. wide easement for access purposes to serve as an extension to an existing easement providing road access for two communication tower sites. The Commission approved the proposal by Resolution #140/1994.

## **SITE VISIT**

[13] 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**

[14] 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 94A/6 for the mapping units encompassing the Property are 100% Class 5C.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

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

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

[16] The Agent provided the following information regarding the Proposal:

- *“Due to a telecommunication towers purpose being limited to the range in which it can reach, this location will serve the most individuals and therefore utilize its greatest potential”.*
- *“As per landowner, parcel not suitable for agriculture. Project has a 25 year life expectancy at which time the lands are returned to their original state. Project is being placed between existing towers therefore removing the existing severed area”.*

[17] The Panel reviewed the sketch plan submitted with the Application which shows that the proposed 1.16 ha non-farm use area is located proximal to three other telecommunication tower sites which would share an access road. The Panel appreciates that clustering the telecommunication towers concentrates the non-farm uses in one place rather than disturbing multiple ALR parcels. The Panel finds that Proposal would pose no impact to agriculture on the Property as the placement is close to other telecommunication towers, and that the non-farm use area can be returned to agriculture upon the tower being removed.

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

[18] The Agent provided the following information regarding economic, cultural and social values:

- *“Due to the increased need for high speed internet connectivity in the surrounding area, and in order to achieve acceptable coverage for the service area, VCCL is proposing to construct a telecommunication tower in order to better serve the community”.*

[19] The Panel acknowledges the economic, cultural and social values as described by the Agent. In this circumstance the Panel finds that the impacts of the Proposal are proposed to be advantageous on a community scale.

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

[20] The Property is designated ‘Low Density Rural Residential’ within the North Peace Fringe Area OCP Bylaw No. 1870, 2009 (the “OCP”). Policy 2 of the OCP provides for the facilitation of efforts in establishing, enhancing and maintaining telecommunication services. Therefore, an amendment to the OCP would not be required.





[21] The Property is designated A-2 (Large Agricultural Holdings Zone) within the PRRD Zoning Bylaw No. 1343, 2001. As public utility use (other than an office building or works yard) is permitted in all zones, a zoning amendment would not be required.

[22] The Panel considered the consistency of the Proposal with the OCP and zoning bylaw designations. The Panel does not find the OCP or zoning bylaw information to be pertinent to the consideration of the Proposal other than that the land would not require amendments to accommodate the non-farm use.

*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 moderate agricultural capability. Considering the size and nature of the telecommunications area, the Panel believes that the Proposal would not affect any current or future agricultural practices. The Panel believes that the non-farm use area can be returned to agriculture upon the tower being removed, thus posing minimal effects to agriculture endeavors.

[24] In considering s. 4.3 (b) the Panel determined that the Proposal would provide a benefit by providing telecommunications services to the community.

[25] The Panel gave consideration to regional and community planning objectives as required by s. 4.3 (c). 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 and social, cultural and economic considerations.

**DECISION**

[26] For the reasons given above, the Panel approves the Proposal.

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

- a. the non-farm use be in substantial compliance with the sketch submitted with the Application;
- b. photographic evidence of the construction of a fence for the purpose of confining the non-farm use activity to the 1.16 ha area;
- c. Approval for non-farm use is granted for the sole benefit of the Applicant and is non-transferable.

[28] 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.

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

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

[31] This decision is recorded as Resolution #373/2016 and is released on November 9, 2016.

**CERTIFICATION OF DECISION**



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

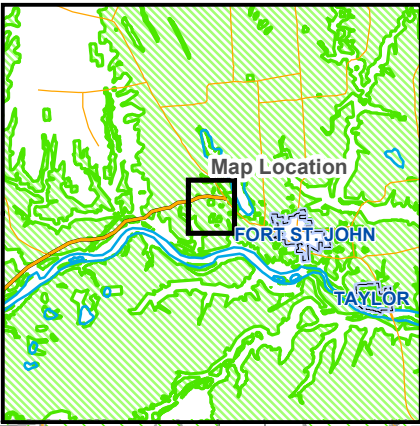
**END OF DOCUMENT**

121°40'W

121°20'W

121°00'W

**ALC #55320**  
**Dyer**  
**Non-Farm Use Application**  
**Resolution #373/2016**



**ALR**

**Subject Property**  
**016-618-858**  
**Property = ALR = 29.7 ha**

**Area approved for 1.16**  
**ha non-farm use by**  
**ALC Resolution**  
**#373/2016**

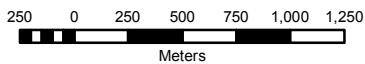
N.0891.95

N.091.95



**ALC Context Map**

Map Scale: 1:35,000



ALC File #:	55320
Mapsheet #:	94A/6
Map Produced:	Sept 23, 2016
Regional District:	Peace River