



July 21, 2016

Agricultural Land Commission
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ALC File: 55353

Press Developments
Box 202
Fort St. John, BC V1J 6W7

Attention: Steve Lea

Dear Mr. Lea:

Re: Application to Exclude Land from the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #270/2016) as it relates to the above noted application. A sketch plan depicting the decision is also attached. As agent, it is your responsibility to notify your client 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 will follow up with you in this regard once I have received instructions from the Chair.

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:

A handwritten signature in black ink, appearing to be 'CJF', written over a light blue circular stamp.

Colin J. Fry, Director of Policy and Planning

Enclosures: Reasons for Decision (Resolution #270/2016)
Sketch plan

cc: Peace River Regional District (File: 080/15)

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AGRICULTURAL LAND COMMISSION FILE 55353

REASONS FOR DECISION OF THE NORTH PANEL

Application submitted pursuant to s. 30(1) of the *Agricultural Land Commission Act*

Applicant:

**0825038 BC Ltd.
(the “Applicant”)**

Agent:

**Steve Lea
Press Developments Ltd.
(the “Agent”)**

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: 026-653-061

Lot 3, Section 26, Township 83, Range 19, West of the 6th Meridian, Peace River

District, BCP23215

(the “Property”)

[2] The Property is 34.9 ha in area, of which, 32.1 ha are in the ALR.

[3] The Property is generally described as being located south of the City of Fort St. John, along the Old Fort 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. 30(1) of the *ALCA*, the Applicant is applying to exclude the ALR component of the Property in order to develop a 16 parcel industrial subdivision with lots ranging in size from 1.89 ha to 2.22 ha (the “Proposal”). The Proposal along with supporting documentation is collectively (the “Application”).

RELEVANT STATUTORY PROVISIONS

[7] The Application was made pursuant to s. 30(1) of the *ALCA*:

30 (1) An owner of land may apply to the commission to have their land excluded from an agricultural land reserve.

[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. Evidence from third parties of which disclosure was made to the Applicant
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.

[11] The Panel reviewed two previous applications involving the Property:



Application ID: 52932
(Pedersen, 2012)

To exclude 97.7 ha (comprising two adjoining parcels of 35 ha and 62.7 ha) from the ALR for industrial purposes. The land is designated *Agriculture (Reserve - Light/Service Industrial)* in the North Peace Fringe Area Official Community Plan (the OCP) which was endorsed by the Commission. The Peace River Regional District requested that the land designated as *Agriculture (Reserve - Light/Service Industrial)* be open for consideration as per Policy #8 of Section 8.3.3 of the OCP. This policy indicates that the land will be retained in its existing agricultural use until substantial infilling (50%) of the land currently designated as Light/Service Industrial has occurred.

The Commission did not concur with the Regional District's assessment that the threshold to release the Agriculture (Reserve - Light/Service Industrial) lands (from the ALR) had been reached. The Proposal was refused by Resolution # 465/2012.

Application ID: 41381
(Pedersen, 2005)

To subdivide the 62.8 ha property into three (3) 1.9 parcels, one (1) 4 ha parcel, one (1) 22.5 parcel and a 30.6 ha remainder parcel. The Property was included in the Fort St. John Comprehensive Development Plan (CDP) area which the Commission endorsed. The Commission supported the subdivision of the southerly portion of the property into residential lots. However, as the northerly portion of the property was designated for "Light Industrial" in the CDP, the Commission stated that it would only consider its subdivision for industrial use

when the proper zoning bylaw is in place. As such, the Proposal was partially approved and the applicant was advised to contact the Peace River Regional District regarding the implementation and phasing of the proposed CDP and any subsequent bylaw amendments. Resolution #157/2005.

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.

APPLICANT MEETING

[13] On July 7, 2016, the Panel conducted a meeting with the Agent (the “Applicant Meeting”) in accordance with s. 22(1) of BC Regulation 171/2002 (Agricultural Land Reserve Use, Subdivision and Procedure Regulation). The Applicant Meeting was held at the Ministry of Agriculture Office, Fort St. John. Those in attendance were:

- Steve Lea –Agent
- Martin Collins – Commission Regional Planner
- Jess Daniels – Commission Land Use Planner
- Riccardo Peggi – Commission Land Use Planner
- Dave Merz – North Panel Chair
- Garry Scott - Commissioner
- Sandra Busche –Commissioner (attendance by teleconference)

During the meeting, Mr. Lea provided an overview of Property including zoning, uses of surrounding properties, and the BC Hydro conveyor belt which goes through 1/3 of the Property. Mr. Lea discussed concerns regarding drainage on the neighboring corner Property.

FINDINGSSection 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 rating identified on CLI map sheet 94A/02 for the mapping unit encompassing the Property is 100% Class 2.

Class 2 - land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in management.

The limiting subclass associated with the Property is C (adverse climate).

[15] The Panel reviewed the CLI rating and finds that the Property has excellent agricultural capability.

[16] Peace River Regional District Planning Staff provided the following comment: *"This proposal is consistent with the context of the area. The Old Fort area has seen a number of industrial subdivisions, including a 16 lot industrial subdivision across Old Fort Road along Enterprise Way. However, there are rural residential lots to the south that are very compatible with industrial uses"*.

[17] The Panel notes that land uses on the surrounding properties include agriculture (north and west), light industrial (east), and rural residential (south).

[18] The Panel notes that a portion of the Property has been severed from the ALR to allow for BC Hydro's use of a conveyor belt for the next 8 years.



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

[19] The Applicant 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

[20] The Property is mostly designated as Agriculture (Reserve-Light/Service Industrial) with a small portion of the southeast corner designated as Medium Density Residential (MOR) pursuant to Peace River Regional District ("PRRD") North Peace Fringe Area Official Community Plan ("OCP") Bylaw No. 1870, (2009), wherein the minimum parcel size is 4 ha (10 acres). The minimum parcel size for Light/Service Industrial (LSI) is 1.6 ha.

PRRD staff provided the following comment: *Section 8.3.3, Policy 8 states that the "purpose of this (reserve) designation is to retain this area in its existing agricultural use, until such a time as substantial infilling (more than 50% in use) is achieved within the areas designated Light/Service Industrial and Light/Service Industrial (Serviced)". According to the 2011 report to the Board regarding the infill of Light/Service Industrial and Light/Service Industrial (Serviced) lands as shown on Schedule B, Map No. 5, within the NPFA OCP, the 50% threshold has been reached. However, new lots have since been created".*

[21] The Property is zoned A-2 (Large Agricultural Holdings Zone), within PRRD Zoning Bylaw No. 1343 (2001) wherein the minimum parcel size is 63 ha; therefore, the Application would require a zoning amendment.



Weighing the factors in priority

[22] In considering s. 4.3 (a) and the first priority to agriculture, the Panel notes that the Property has excellent agricultural capability. However, the Panel notes that the Proposal is consistent with the context of the area.

[23] In considering regional and community planning objectives as required by s. 4.3 (b), the Panel notes that the Proposal is consistent with the North Peace Fringe Area OCP, which the Commission endorsed by Resolution #1105/2009. The Panel notes that the 50% infill threshold as required by Section 8.3.3, Policy 8 has been reached.

DECISION

[24] For the reasons given above, the Panel approves the Proposal to exclude the Property from the ALR.

[25] 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.

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

[27] Decision recorded as Resolution #270/2016.

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 #270/2016. The decision is effective upon release.

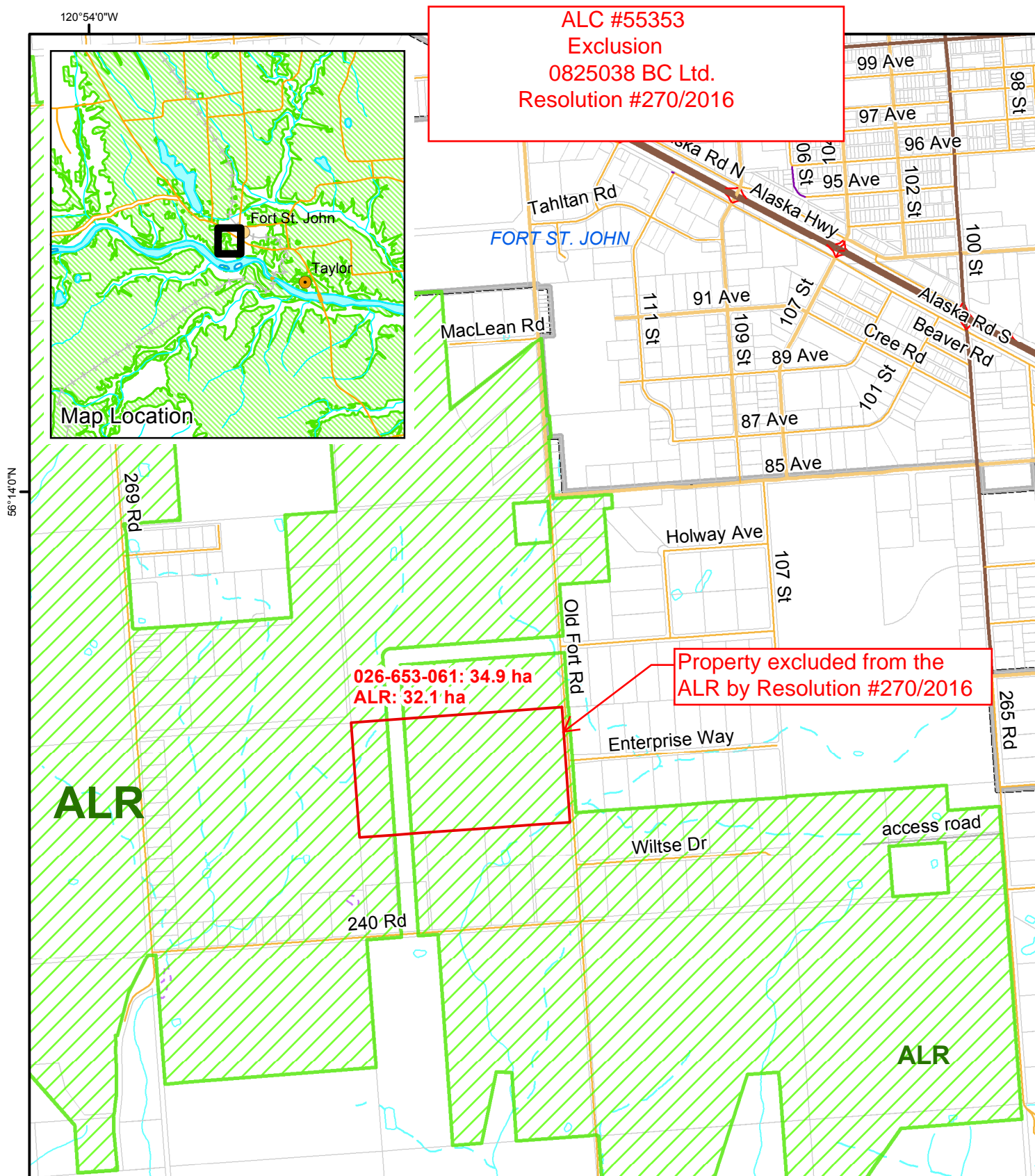


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Colin J. Fry, Director of Policy and Planning

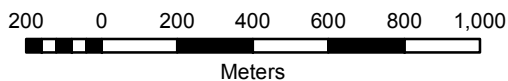
July 21, 2016

Date Released



ALR Context Map

Map Scale: 1:20,000



ALC File #:	55353
Mapsheet #:	94A/02
Map Produced:	May 30, 2016
Regional District:	Peace River