



Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
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November 29, 2016

ALC File: 53398

Michael Kidston Land Surveying Ltd.
715 Alder Avenue
P.O. Box 970
100 Mile House, BC V0K 2E0

Attention: Michael Kidston:

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

Please find attached the Reasons for Decision of the Interior Panel (Resolution #408/2016) 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 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.

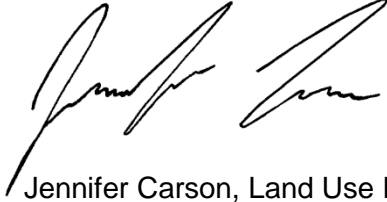
For further clarity, s. 33.1 and s. 33(1) are separate and independent sections of the *Agricultural Land Commission Act*.

Further correspondence with respect to this application is to be directed to Jennifer Carson at (Jennifer.Carson@gov.bc.ca).

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Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read 'Jennifer Carson', written in a cursive style.

Jennifer Carson, Land Use Planner

Enclosures: Reasons for Decision (Resolution #408/2016)
Sketch plan

cc: Thompson Nicola Regional District (File: ALR 114)

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AGRICULTURAL LAND COMMISSION FILE 53398

REASONS FOR DECISION OF THE INTERIOR PANEL

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

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

Agent: **Michael Kidston, Michael
Kidston Land Surveying Ltd.
(the “Agent”)**

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:

District Lot 8811, Lillooet District
(the "Property")

[2] The Property is 16.1 ha in area(7.2 ha within the ALR).

[3] The Property is generally described as being located on High Bar Road, North of Lillooet.

[4] The Property is located partially 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. 17(3) of the *ALCA*, the Applicant is applying to include the remaining 8.9 ha of land into the ALR. The rancher of adjoining lands has applied for and been granted 16.1 ha of Crown Land (DL 8811) which is between his privately owned hay fields and High Bar Road. A condition of the agricultural lease-to-purchase agreement with the Ministry of Forests, Lands and Natural Resource Operations is making an inclusion application for the non-ALR land involved (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.



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 92O/01 for the mapping unit encompassing the majority of the Property is Class 1, and the northern most portion is unimprovable from Class 6 and Class 7 more specifically 7:6T-3:7TR.

Class 1 - land is capable of producing the very widest range of crops. Soil and climate conditions are optimum, resulting in easy management.

Class 6 - land is important in its natural state as grazing land. These lands cannot be cultivated due to soil and/or climate limitations.

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

The limiting subclasses associated with this parcel of land are R (shallow bedrock) and T (topographic limitations).

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

[14] The Panel finds that the inclusion will allow the rancher to expand his hay fields and maximize utilization of his pivot sprinklers.

[15] The Panel also noted that the Ministry of Forests, Lands and Natural Resource Operations (MFLNRO) requires the consolidation of the Property with three adjacent parcels to form one new parcel. The Panel finds that the creation of a larger agricultural parcel is a benefit to agriculture as it allows for a more productive agricultural parcel....

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

[16] The Agent 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

[17] Thompson Nicola Regional District (the "TNRD") Staff did not have any objections to the proposed inclusion of lands into the ALR.

Weighing the factors in priority

[18] Based on the agricultural considerations outlined in paragraphs 12 to 15, the Panel finds that the 8.9 ha portion of the Property is both agriculturally capable and suitable for inclusion into the ALR.

[19] The Panel did not find any considerations under s.4.3(b) or (c) to be contributory to the decision given the Panel's finding following its review of the agricultural considerations under s. 4.3(a) and s. 6.

DECISION

[20] For the reasons given above, the Panel approves the Proposal to include 8.9 ha of land into the ALR.

[21] The Commission will advise the Registrar of Land Titles that the property has been included into the ALR.



[22] 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.

[23] These are the unanimous reasons of the Interior Panel of the Agricultural Land Commission.

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

[25] This decision is recorded as Resolution #408/2016 and is released on November 29, 2016.

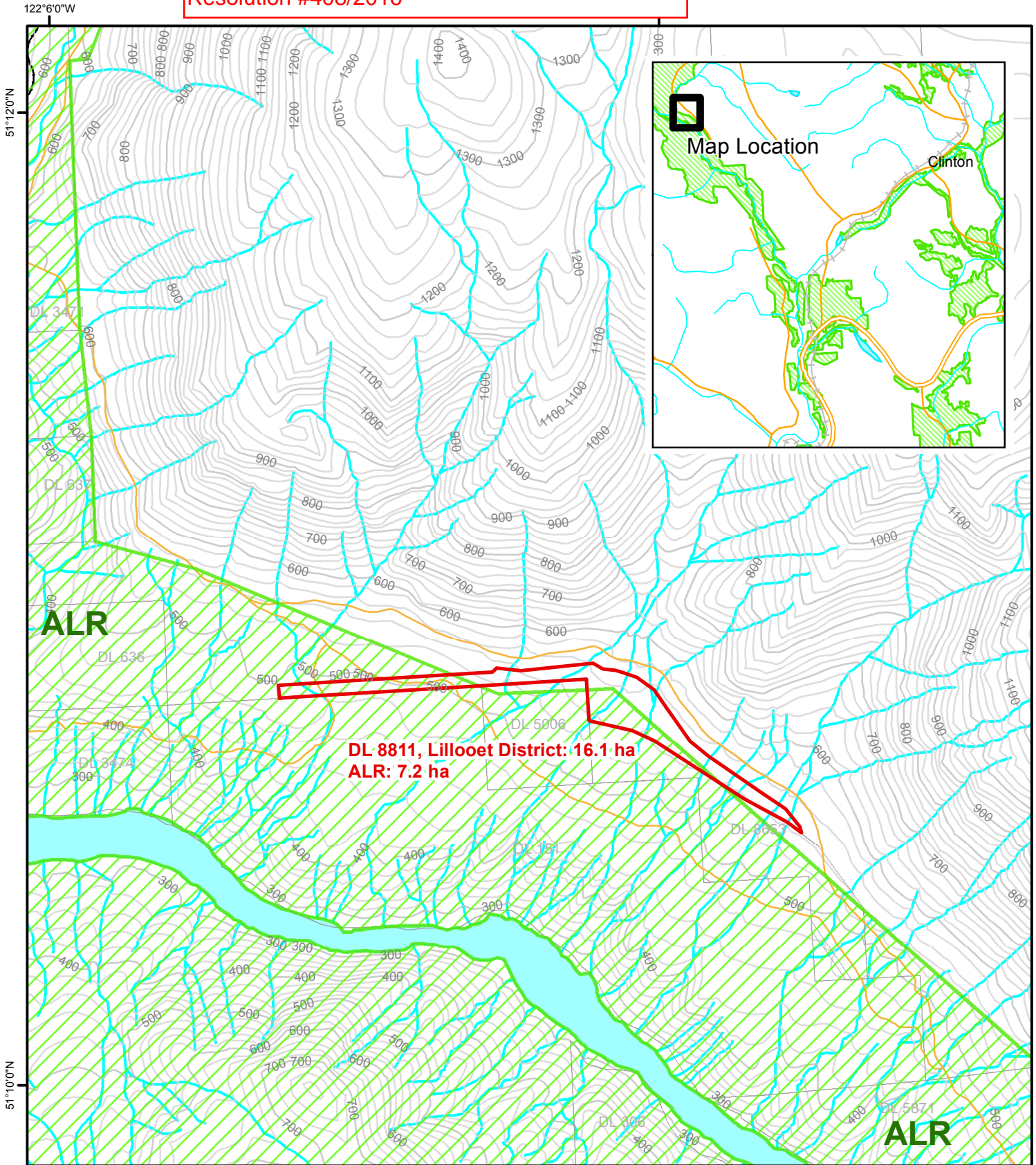
CERTIFICATION OF DECISION

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

Lucille Dempsey, Panel Chair, on behalf of the Interior Panel

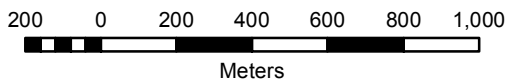
END OF DOCUMENT

Application ID 55398
Inclusion of land into the ALR approved by
Resolution #408/2016



ALR Context Map

Map Scale: 1:20,000



ALC File #:	55398
Mapsheet #:	920.020
Map Produced:	August 23, 2016
Regional District:	Thompson-Nicola