



Agricultural Land Commission
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www.alc.gov.bc.ca

September 20, 2016

ALC File: 55518

Nigel Hemmingway
Cariboo Geographic Systems
Sent by Electronic Mail

Dear Mr. Hemmingway:

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


Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #303/2016) 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.

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

Enclosures: Reasons for Decision (Resolution #303/2016)
Sketch plan

cc: Don Savjord, Bridge Creek Estate Ltd. via email

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AGRICULTURAL LAND COMMISSION FILE 55518

REASONS FOR DECISION OF THE INTERIOR PANEL

Application submitted pursuant to s. 6 of BC Regulation 171/2002 (ALR Use, Subdivision and Procedure Regulation)

Applicant:

**Bridge Creek Estate Ltd.
(the “Applicant”)**

Agent:

**Nigel Hemmingway
(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:

Parcel Identifier: 023-169-168

Lot 1, District Lots 33, 625, 4175, 4179, 4181 and 4187, Lillooet District, Plan

KAP55350, Except Plans KAP57147 and KAP89661

(the “Property”)

[2] The Property is 185.5 ha in area. 183.5 ha are situated within the ALR.

[3] The Property is generally described as being located north of 100 Mile House.

[4] The majority of 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. 6 of the BC Regulation 171/2002 (Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the “Regulation”), the Applicant is applying to allow the District of 100 Mile House (the “District”) to construct a water reservoir and waterline right-of-way on approximately 1.3 ha of the Property. The water reservoir will increase water servicing and water pressure in the area and as a result also support better fire protection in the 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. 6(c)(iv) of the Regulation:



6 Unless permitted under sections 2 and 3, a person must file an application under section 34 (6) of the Act directly with the office of the commission and in a form acceptable to the commission for any of the following uses:

- (c) dedication of a right of way or construction of any of the following:
- (iv) a sewer or water line other than for ancillary utility connections;

[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. Letter of support from Mr. Don Savjord of Bridge Creek Estate Ltd. dated June 15, 2016



4. Email correspondence with Mr. Savjord, last date July 29, 2016
5. 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 92P/11 for the mapping units encompassing the Properties are Class 2 and Class 4; more specifically (4PT) and (7:4T - 3:2C)

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.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

The limiting subclasses associated with this parcel of land are C (climate), P (stoniness) and T (topographic limitations).

[13] The Panel reviewed the CLI ratings and understand that the Property is part of a larger ranch, and as such it is indisputable that the Property has agricultural suitability.

[14] In the Application the Agent writes that, *“After the construction only the reservoir area will be restricted from grazing. The waterline locations will be replanted in grasses that meet the ranches organic certification. Vehicular access to the reservoir will be on existing ranch roads in the range. The ranch's grazing will not be compromised during constructions due to the rotational nature of the operations.”*

[15] The Panel also made note of the letter of support for the Proposal from Don Savjord of Bridge Creek Estate Ltd. dated June 15, 2016. Mr. Savjord discussed how *“cooperative the Municipality has been in accommodating [their] ranching activities in project design. While the reservoir site is subject to the engineering requirements the location of the waterline was amended to minimize impact on this part of the range. They agree to relocate this part for [them], so it is adjacent to an existing utility easement and along the road. The only new clearing required is the connection between the two and everything will be reseeded in grass that meets [their] grazing needs.”* Furthermore, the letter discusses the need for fire protection in the area, and the additional benefit of gaining a fire hydrant by the ranch's barn which will benefit the safety plans of the ranch.

[16] Lastly, the Panel requested Commission staff to contact Mr. Savjord to ascertain whether any further benefits such as water access could be of benefit to the ranch. Mr. Savjord indicated that the location of the proposed water reservoir is a dry area on the range and as such they were not concerned about losing the area for grazing. Furthermore, he indicated that they see this water reservoir as a big benefit to everyone in the area. Lastly, Mr. Savjord mentioned that the addition of the hydrant will be a benefit to the ranch itself, and that the ranch could also benefit from water access close to the tower.

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

[17] The Panel understands that the Proposal will have a positive impact on the surrounding community as it is providing both water access and fire protection.



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

[18] It is the District that is proposing the water tower to service the residents and businesses of the town, presently there is no water servicing or fire protection to the industrial properties in the area.

Weighing the factors in priority

[19] The Panel reviewed the application and believes that all possible accommodations to mitigate adverse impacts on agriculture have been addressed by the District in consultation with the Applicant. Furthermore, benefits to agriculture exist in the opportunity of fire protection with the fire hydrant in close proximity to the barn, as well as the water access close to the water tower which will allow for hydration of the cattle in that area.

[20] The Panel also 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 contributory to the decision given the Panel's finding following its review of the agricultural considerations. The Proposal will provide water servicing and water pressure which will not only assist the Applicant's ranch, but also the surrounding areas.

DECISION

[21] For the reasons given above, the Panel approves the Proposal to use approximately 1.3 ha of ALR land to construct a water reservoir and Right of Way in order to provide water and fire protection to surrounding areas.

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

- a. That the District arrange to reseed the disturbed area in grasses as per the Applicant's instructions;



- b. That the District install a fire hydrant close to the barn as per the Applicant's needs;
and
- c. That the District ensures access to water from the water tower for ranching needs.

[23] 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.

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

[25] Decision recorded as Resolution #303/2016.

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 #303/2016. The decision is effective upon release.

A handwritten signature in black ink, appearing to be 'CF', is located on the left side of the page.

Colin J. Fry, Director of Policy and Planning

September 12, 2016

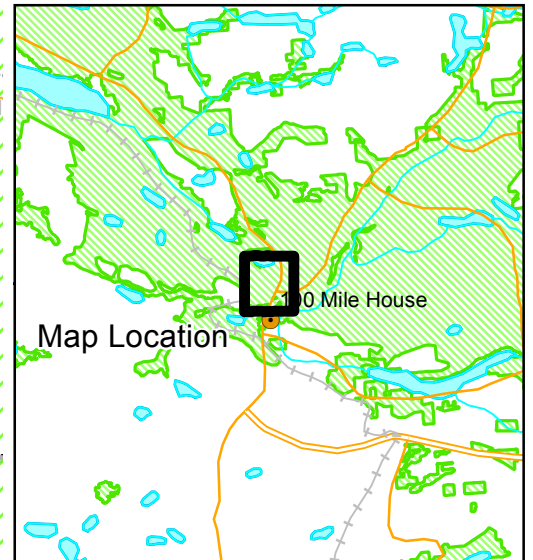
Date Released

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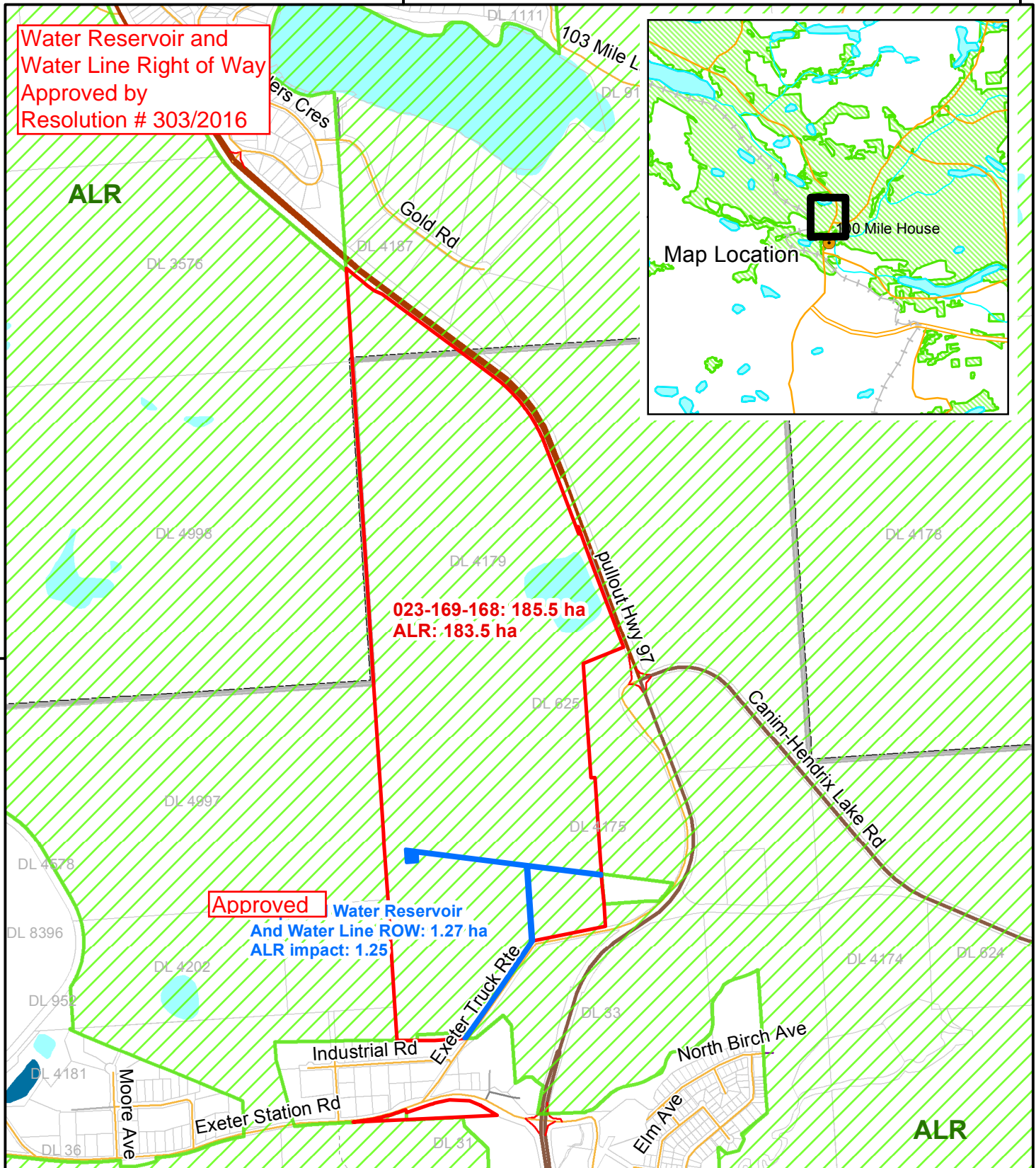
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Water Reservoir and
Water Line Right of Way
Approved by
Resolution # 303/2016

ALR

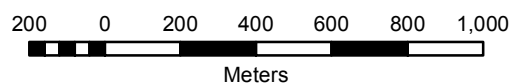


51°40'0"N



ALR Context Map

Map Scale: 1:20,000



ALC File #: 55518

Mapsheet #: 92P.064

Map Produced: July 18, 2016

Map Updated: September 20, 2016

Regional District: Cariboo