



Agricultural Land Commission
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September 22, 2016

ALC File: 55543

SENT BY ELECTRONIC MAIL

Michael Kidston

Dear Mr. Kidston:

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

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #347/2016) 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..

Your attention is drawn 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.

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 #347/2016)
Sketch plan

cc: Cariboo Regional District (File: 3015-20/F20160048)
Land Titles Office

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AGRICULTURAL LAND COMMISSION FILE 55543

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
Land Surveying
(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 13267, Cariboo District
(the “Property”)
- [2] The Property is 41.4 ha in area.
- [3] The Property has the civic address 2556 Kroener Road, south of Horsefly.
- [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. 17(3) of the *ALCA*, the Applicant is applying to include the 41.4 ha into the ALR (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 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. Relevant application history
4. 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 a relevant application relating to the Application:

Application ID: 54869
(Crown, 2016)

To include District Lot 13269 into the ALR. The proposal
was approved by Resolution #204/2016.

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 rating identified on CLI map sheet 93A/06 for the mapping unit encompassing the Crown Land is 7:5TR - 3:6RT.

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

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

The limiting subclasses associated with this parcel of land are R (bedrock near the surface) T (topographic limitations).

[14] The Panel reviewed the CLI ratings and finds that the rating indicates the Crown Land can provide sustained natural grazing for domestic livestock and is consistent with surrounding land.

[15] The Panel also noted that the Agent indicated that 70% of the area proposed for inclusion has been logged, stumped and cleared for pasture. The Agent also mentioned that his client is planning further clearing, stumping, rock picking and seeding for improved pasture.



Furthermore, the Agent also indicated that the Property will increase the ability of his client's ranch to maintain or increase its cattle carrying capacity.

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

[16] The Applicant did not provide any evidence or rationale regarding any economic, cultural and social values that may be pertinent to the Application.

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

[17] The Cariboo Regional District has a *Policy for Inclusion Applications* that they be forwarded directly to the ALC with the following comment: *"The Cariboo Regional District recommends that this application be forwarded to the Agricultural Land Commission with a recommendation for inclusion into the Agricultural Land Reserve."*

Weighing the factors in priority

[18] The Panel finds that the CLI ratings indicate the Crown Land can provide sustained natural grazing for domestic livestock.

[19] The Panel understands that further logging, clearing, cultivation and seeding are planned in the future to improve the agricultural potential of the Crown Land and the cattle carrying capacity of the ranch.

[20] Furthermore, as the Property is surrounded by pasture, hay fields and Crown grazing, and that grazing is the proposed use of this Property, it would be appropriate to protect the land for agricultural use within the ALR.

[21] The Panel gave consideration to economic, social and cultural values and regional and community planning objectives as required by s. 4.3. 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 considerations.

DECISION

[22] For the reasons given above, the Panel approves the Proposal to include the Crown Land into the ALR.

[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 #347/2016.

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 #347/2016. The decision is effective upon release.



Colin J. Fry, Director of Policy and Planning

September 22, 2016

Date Released

