



September 2, 2016

**Agricultural Land Commission**  
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Burnaby, British Columbia V5G 4K6  
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ALC File: 55545

Patrick Henn  
Suite 251 - 6300 Léo-Pariseau,  
Montreal, Quebec H2X 4B3

**Attention: Patrick Henn**

Dear Mr. Henn:

Re: **Application for Transportation, Utility or Recreational Trail Uses within the Agricultural Land Reserve (ALR)**

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #327/2016) 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 Jess Daniels at (Jessica.Daniels@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Colin J. Fry, Director of Policy and Planning

Enclosures: Reasons for Decision (Resolution #327/2016)  
Sketch plan

cc: Peace River Regional District (File:170/2016)

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## **AGRICULTURAL LAND COMMISSION FILE 55545**

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

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

**Applicant:**

**South Peace Hutterian  
Brethren Church  
(the "Applicant")**

**Agent:**

**Patrick Henn  
RES Canada  
(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:

- a. Parcel Identifier: 018-773-192  
THE NORTH 1/2 OF SECTION 35, TOWNSHIP 80, RANGE 17, WEST OF THE 6<sup>TH</sup> MERIDIAN, PEACE RIVER DISTRICT
  
- b. Parcel Identifier: 014-580-331  
THE SOUTH EAST 1/4 OF SECTION 35, TOWNSHIP 80, RANGE 18, WEST OF THE 6<sup>TH</sup> MERIDIAN, PEACE RIVER DISTRICT
  
- c. Parcel Identifier: 014-501-571  
THE SOUTH WEST 1/4 OF SECTION 35, TOWNSHIP 80, RANGE 18, WEST OF THE 6<sup>TH</sup> MERIDIAN, PEACE RIVER DISTRICT, EXCEPT THE WEST 14 FEET
  
- d. Parcel Identifier: 014-580-322  
THE NORTH 1/2 OF SECTION 35, TOWNSHIP 80, RANGE 18, WEST OF THE 6<sup>TH</sup> MERIDIAN, PEACE RIVER DISTRICT, EXCEPT: PLAN BCP38333
  
- e. Parcel Identifier: 014-580-349  
THE SOUTH WEST 1/4 OF SECTION 36, TOWNSHIP 80, RANGE 18, WEST OF THE 6<sup>TH</sup> MERIDIAN, PEACE RIVER DISTRICT
  
- f. Parcel Identifier: 014-659-409  
THE EAST 1/2 OF SECTION 34, TOWNSHIP 80, RANGE 18, WEST OF THE 6<sup>TH</sup> MERIDIAN, PEACE RIVER DISTRICT, EXCEPT PART DEDICATED ROAD ON PLAN BCP39097



- g. Parcel Identifier: 014-518-694  
THE NORTH WEST 1/4 OF SECTION 36, TOWNSHIP 80, RANGE 18, WEST OF THE 6<sup>TH</sup> MERIDIAN, PEACE RIVER DISTRICT, EXCEPT: THE WEST 14 FEET AND PLAN BCP38332
- h. Parcel Identifier: 014-518-651  
THE EAST 1/2 OF SECTION 36, TOWNSHIP 80, RANGE 18, WEST OF THE 6<sup>TH</sup> MERIDIAN, PEACE RIVER DISTRICT  
EXCEPT: FIRSTLY; PART SUBDIVIDED BY PLAN PGP40710  
SECONDLY; PART DEDICATED ROAD ON PLAN BCP39170
- i. Parcel Identifier: 005-167-671  
THE WEST 1/2 OF SECTION 31, TOWNSHIP 80, RANGE 17, WEST OF THE 6<sup>TH</sup> MERIDIAN, PEACE RIVER DISTRICT, EXCEPT PLAN 30772
- j. Parcel Identifier: 004-026-748  
THE EAST 1/2 OF SECTION 31, TOWNSHIP 80, RANGE 17, WEST OF THE 6<sup>TH</sup> MERIDIAN, PEACE RIVER DISTRICT, EXCEPT PLAN 32128 AND PARCEL A (PLAN 32129)
- k. Parcel Identifier: 006-854-893  
PARCEL A (PLAN 32129) OF THE EAST 1/2 OF SECTION 31, TOWNSHIP 80, RANGE 17, WEST OF THE 6<sup>TH</sup> MERIDIAN, PEACE RIVER DISTRICT
- l. Parcel Identifier: 011-407-999  
SECTION 32, TOWNSHIP 80, RANGE 17, WEST OF THE 6<sup>TH</sup> MERIDIAN, PEACE RIVER DISTRICT, EXCEPT PART LYING EAST OF PLAN A938 AND EXCEPT PLANS A938 PGP45537 AND BCP38517
- m. Parcel Identifier: 014-479-486  
THAT PART OF THE SOUTH 1/2 OF SECTION 5, TOWNSHIP 81, RANGE 17, WEST OF THE 6<sup>TH</sup> MERIDIAN, PEACE RIVER DISTRICT, WHICH LIES TO THE WEST OF PLAN A938, EXCEPT PLANS 26071 AND PGP44855

- n. Parcel Identifier: 014-635-950  
PARCEL A (R2285) OF THE SOUTH EAST 1/4 OF SECTION 5, TOWNSHIP 81,  
RANGE 17, WEST OF THE 6<sup>TH</sup> MERIDIAN, PEACE RIVER DISTRICT
  
- o. Parcel Identifier: 008-522-880  
THE SOUTH EAST 1/4 OF SECTION 4, TOWNSHIP 81, RANGE 17, WEST OF THE  
6<sup>TH</sup> MERIDIAN, PEACE RIVER DISTRICT
  
- p. Parcel Identifier: 017-214-726  
THE SOUTH WEST 1/4 OF SECTION 4, TOWNSHIP 81, RANGE 17, WEST OF THE  
6<sup>TH</sup> MERIDIAN, PEACE RIVER DISTRICT
  
- q. Parcel Identifier: 014-459-914  
THE NORTH WEST 1/4 OF SECTION 34, TOWNSHIP 80, RANGE 17, WEST OF THE  
6<sup>TH</sup> MERIDIAN, PEACE RIVER DISTRICT
  
- r. Parcel Identifier: 014-459-922  
THE NORTH EAST 1/4 OF SECTION 34, TOWNSHIP 80, RANGE 17, WEST OF  
THE 6<sup>TH</sup> MERIDIAN, PEACE RIVER DISTRICT
  
- s. Parcel Identifier: 018-890-091  
THE SOUTH EAST 1/4 OF SECTION 2, TOWNSHIP 81, RANGE 17, WEST OF THE  
6<sup>TH</sup> MERIDIAN, PEACE RIVER DISTRICT
  
- t. Parcel Identifier: 004-347-234  
THE SOUTH WEST 1/4 OF SECTION 1, TOWNSHIP 81, RANGE 17, WEST OF THE  
6<sup>TH</sup> MERIDIAN, PEACE RIVER DISTRICT, EXCEPT PLAN PGP40968

(collectively the "Properties")

[2] The area of the Properties affected by the project comprises 36.3 ha.

- [3] The Properties are generally described as being located south of Taylor.
- [4] The Properties are located within a designated agricultural land reserve (“ALR”) as defined in s. 1 of the *Agricultural Land Commission Act* (the “ALCA”).
- [5] The Properties are 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 Agent is applying to construct a power line that will connect the South Peace West wind energy project to the BC Hydro transmission system. The length of the power line will be approximately 15km and the width of the easement will be 10 meters (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 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:
  - (iii) a utility corridor use

- [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

All documentation noted above was disclosed to the Agent in advance of this decision.

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

Application ID: 54229  
(Renewable Energy Systems  
Canada Inc. 2015)

To develop a power line and associated substation that will connect the South Peace East wind energy project to the BC Hydro transmission system. The length of the power line is 13km and will follow the Triangle Road right-of-way. Approved, Resolution #249/2016.

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Application ID: 54176  
(Renewable Energy Systems  
Canada Inc. 2015)

To develop 4.5 ha of land within the ALR for a wind energy project with a maximum of seven (7) wind

turbines, an access road to reach each turbine and an electrical collector system which would follow the proposed access road underground. Approved, Resolution #405/2015

### **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 ratings identified on CLI map sheet 93P/15 for the mapping units encompassing the Properties are Class 3, Class 4, Class 5; more specifically 40% 4X, 45% 5CT, 10% 3X, 5% (3:6X - 4:4T)

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

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

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), X (combination of soil factors), and T (topographic limitations).



[14] The CLI ratings confirm that the Properties have good agricultural capability.

[15] The Agent provided the following information regarding the Proposal: *“The length of the powerline will be approximately 15km and will be installed in agricultural fields, along the Braden Road right-of-way and along lot line boundaries (see maps attached). The power line will generally be underground unless this option is considered not feasible. The easement requested to landowners will be approximately 10m in width, however most of the areas under easement will be returned to farming given the power line will mostly be underground. Areas around the poles (for portions of the line that will be overhead) will also be restored and returned to farming. The powerline will reach the proposed substation that was included in ALC application # 54229...*

*... The land on these parcels is generally used for crops and cattle grazing. Farm activity is found throughout the parcels under this application and no specific farming infrastructure is found on the path of the power line or at the substation location...*

The Agent submitted the following information regarding the reduction of potential negative impacts on surrounding agricultural lands: *The key mitigation strategy was to consult with the participating landowners and decide on a general pathway that would avoid or limit impact to their agricultural lands. It was decided that the power line should generally follow lot line boundaries and be underground where considered feasible. As such most agricultural land will be unaffected by this proposal as areas used for the power line will be returned to agricultural use once the line is installed. As per the agreements with the landowners the areas used during construction will be restored in order to rapidly return the areas to farming once construction is complete. In terms of the "Total area of corridor" indicated below, it should be noted that the 15 hectares consider a 10m easement for the line; however as discussed above the majority of this corridor will be returned to agricultural activity once construction is complete”.*

[16] The Agent provided the following information regarding the Properties: *“The parcels are currently used for hay crops, grain crops, cattle grazing and sheep grazing. Parts of several parcels considered by this application are forested...a few parcels under this application have pipelines, oil wells and gas wells. Several parcels have residences as*



*well as adjacent buildings. A few parcels also include driveways and storage areas for machinery and heavy equipment”.*

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

[17] The Agent did not provide any information regarding economic, cultural and social values.

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

[18] Peace River Regional District (the “PRRD”) Planning staff provided the following comment: *“Pursuant to the Peace River Regional District Rural Official Community Plan Bylaw No. 1940, 2011, the area along the proposed transmission lines is designated “Agriculture- Rural” in the Peace River Regional District Rural Area Official Community Plan Bylaw No. 1940, 2011. Section 16 Policy 8 Official Community Plan permits public utility uses throughout the plan area. Therefore, the proposal is consistent with the Official Community Plan”.*

[19] PRRD Planning staff provided the following comment: *“Pursuant to the Dawson Creek Rural Area Zoning Bylaw No. 479, 1986, the subject property is zoned A-2 (Large Agricultural Holdings Zone). Section 7.6 (a) states that “Utilities and Public Uses, other than an office building or works yard, are permitted in all zones and are exempted from the minimum parcel size requirements subject to the Local Services act;” Therefore, the proposal is consistent with the zoning bylaw”.*

Weighing the factors in priority

[20] In considering s. 4.3 (a) and the first priority to agriculture, The Panel notes that the power line would follow an existing right-of-way and be underground where feasible; and that the land will be returned to a state suitable for agricultural use upon completion of the Project. Thus, the Panel does not believe that the Proposal poses a significant negative impact to agriculture.



[21] The Panel 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 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.

[23] The Proposal is approved subject to the following condition:

1. A weed control plan for both the construction and operation phases of the project must be developed and submitted to the Commission prior to starting construction of the project. This may be submitted in conjunction with condition "b" of Commission Resolution #405/2015 (Application ID: 54176) and condition "b" of Commission Resolution #249/2016 (Application ID: 54229).

[24] 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.

[25] Panel Chair **Dave Merz** concurs with the decision.

Commissioner **Sandra Busche** concurs with the decision.

Commissioner **Garry Scott** concurs with the decision.

[26] Decision recorded as Resolution #327/2016.

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

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Upon instruction of the Panel, I have been authorized to release the Reasons for Decision by Resolution #327/2016. The decision is effective upon release.

A handwritten signature in black ink, appearing to be 'CJF', is written above a horizontal line.

**Colin J. Fry, Director of Policy and Planning**

**September 2, 2016**

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**Date Released**