



**Agricultural Land Commission**  
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Burnaby, British Columbia V5G 4K6  
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www.alc.gov.bc.ca

January 19, 2017

ALC File: 55338

Nigel Hemingway  
PO Box 1270  
230 Cariboo Highway  
100 Mile House, BC V0K 2E0

Dear Mr. Hemingway:

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

Please find attached the Reasons for Decision of the Interior Panel (Resolution #10/2017) as it relates to the above noted application. 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 Celeste Barlow at (Celeste.Barlow@gov.bc.ca).

Page 2 of 2

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

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

Celeste Barlow, Land Use Planner

Enclosures: Reasons for Decision (Resolution #10/2017)  
Sketch Map

cc: Cariboo Regional District (File: 3015-20/G20160036)

55338d1



## **AGRICULTURAL LAND COMMISSION FILE 55338**

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

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

**Applicant:** Northern Family Holdings Ltd.  
Inc No. BC0620636  
(the "Applicant")

**Agent:** Nigel Hemingway  
(the "Agent")

**Application before the Interior Regional Panel:** Richard Mumford, Panel Chair  
Lucille Dempsey  
Roger Patenaude



## **THE APPLICATION**

[1] The legal description of the property involved in the application is:

Parcel Identifier: 025-022-725

Lot 1, District Lots 216, 697, 4593 and 4983, Lillooet District, Plan KAP68899  
(the "Property")

[2] The Property is 10.7 ha (10.65 ha ALR) in area.

[3] The Property has the civic address 3171 Highway 97 South, Lac La Hache.

[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. 30(1) of the *ALCA*, the Applicant is applying to exclude the Property from the ALR to allow expansion of the meat processing facility and office (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. 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 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. Previous 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] At its meeting of July 22, 2016, the Cariboo Regional District (CRD) resolved that the Application be received and authorized for submission to the Commission with a recommendation for approval.



[12] The Panel reviewed one previous application involving the Property:

Application ID: 326  
Legacy File: 26712  
(J. W. Bison Ranch, 1992)

Non-farm use application to rezone 8.0 ha of the property to “Heavy Industrial” in order to construct an abattoir. The development proposed an 11,000 ft<sup>2</sup> slaughterhouse facility with loading chutes and corrals as well as a barn and/or covered area in which to house and treat animals. The application was approved in principle by ALC Resolution #578/1992 on the condition that the applicant provide a detailed plan showing the area of the proposed development and rezoning.

**Note: Subsequent to ALC Resolution #578/1992, the applicant provided a survey plan which identified a reduced area of 2.0 ha in the location of an existing gravel pit on the property to be utilized for the abattoir and to be rezoned to heavy industrial. Based on the revised plan, the Commission approved 2.0 ha for use as an abattoir.**

Reconsideration Request

The Commission received a request from the applicant to reconsider Resolution #578/1992 in order to expand the abattoir to 16,000 ft<sup>2</sup> and to amend the use of the abattoir building to include a meat processing facility. The Commission allowed the request on the grounds that the meat processing facility did not expand onto productive agricultural lands and because the facility was supportive of the beef industry. The reconsideration request was approved by Resolution #179/2003.

## **SITE VISIT**

[13] On November 10, 2016, the Panel conducted a walk-around and meeting site visit in accordance with the *Policy Regarding Site Visits in Applications* (the “Site Visit”).

[14] A site visit report was prepared in accordance with the *Policy Regarding Site Visits in Applications*. The site visit report was certified as accurately reflecting the observations and discussions of the Site Visit by the Agent on November 18, 2016 (the “Site Visit Report”).

## **FINDINGS**

### *Section 4.3(a) and Section 6 of the ALCA: First priority to agriculture*

[15] 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/13 for the mapping units encompassing the Property are Class 4 and Class 6; more specifically 25%(4P) and 75%(6T).

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

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 P (stoniness) and T (topographic limitations).

[16] The Panel reviewed the CLI ratings and find majority of the Property has limited agricultural capability. During the Site Visit the Panel noted the southern 75% of the Property is limited by topography. In addition, the northern 25% of the Property, although flat and has a CLI rating of 4P, has existing impacts (i.e. historical gravel extraction and location of meat packing facility) that have compromised the Property’s agricultural capability and limit the agricultural potential.



[17] The Panel reviewed the previous application on the Property and recognizes that the abattoir was approved in part due to its proposed location in the former gravel pit. As a result of ALC Resolution #578/92 the 2.0 ha abattoir area was rezoned to “Heavy Industrial”. Given the historical and current land uses, the Panel finds that the Property has limited suitability for agriculture.

[18] The Applicant stated that the meat processing facility serves the agricultural community. The Panel concurs with this statement and finds the Proposal provides a service to the agricultural community.

[19] The Applicant stated *“[i]f the Land Commission allows the 10.7 hectare property to be removed from the Land Reserve the owners will apply to put about 31 hectares of Lot 2 into the reserve. This area is presently used for the Buffalo grazing”*. The 31 ha area of Lot 2 owned by the Applicant is located North West of the Property. The proposed inclusion application has no bearing on the Proposal and therefore was not considered by the Panel. Should the Applicant wish to include the 31 ha area, they may do so by way of a new application.

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

[20] The Panel considered the comment made by the Applicant that *“[t]he company is likely the largest employer in the Lac La Hache area with about 45 employees in their slow season (for 3 months) and about 70 employees the rest of the year”*. In addition, during the site visit the Applicant discussed adding an additional 20 employees with the expansion of the meat processing facility. The Panel finds that the expansion of the meat processing facility provides an economic benefit to the Lac La Hache community.

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

[21] The majority of the Property is zoned as Rural 1 (RR 1) and the remaining portion, which contains the meat packing facility, is zoned as Heavy Industrial 1 (M 3-1). The

Panel notes that a rezoning application with the CRD would be required in order to expand the meat packing facility. The Panel has no objection to rezoning the Property to facilitate the Proposal subsequent to exclusion of the Property from the ALR.

*Weighing the factors in priority*

[22] 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 s. 4.3 considerations, outweigh the purposes of the Commission as set out in s. 6, given that the majority of the Property is Class 6T and has limited agricultural suitability based on the land use history. In addition, the Panel finds the Proposal provides a service to the agricultural community.

**DECISION**

[23] For the reasons given above, the Panel approves the Proposal to exclude the Property from the ALR to allow expansion of the meat processing facility and the business.

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

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

[27] This decision is recorded as Resolution #10/2017 and is released on January 19, 2017.



**CERTIFICATION OF DECISION**

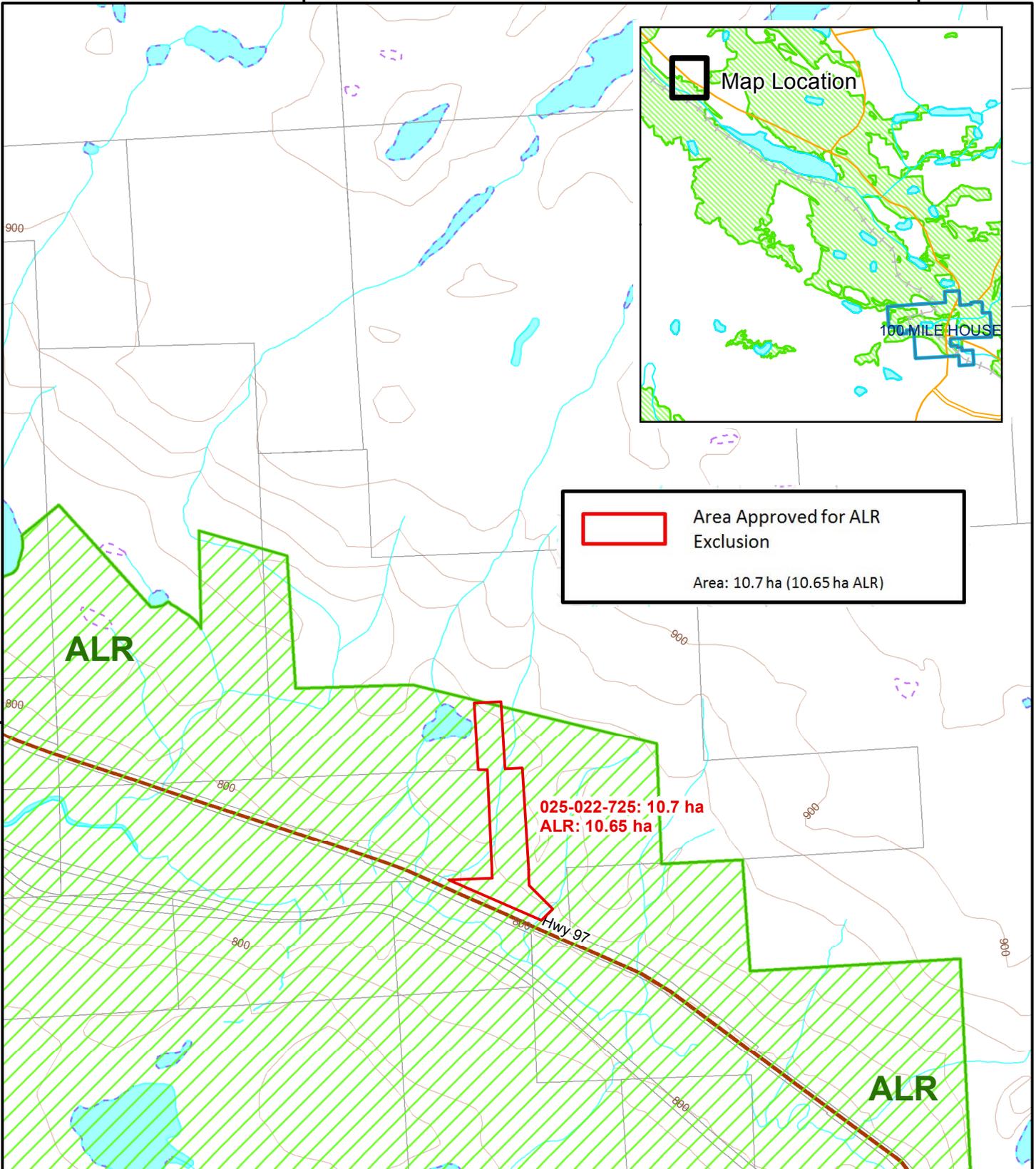
A handwritten signature in black ink, appearing to read 'R. Mumford', is written over a horizontal line.

Richard Mumford, Panel Chair, on behalf of the Interior Panel

**END OF DOCUMENT**

121°42'0"W

121°40'0"W



 Area Approved for ALR Exclusion  
Area: 10.7 ha (10.65 ha ALR)

ALR

025-022-725: 10.7 ha  
ALR: 10.65 ha

Hwy 97

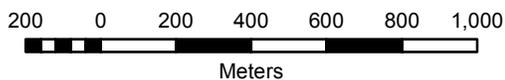
ALR

51°54'0"N



### ALR Context Map

Map Scale: 1:20,000



ALC File #:	55338
Mapsheet #:	92P.092
Map Produced:	January 3, 2017
Regional District:	Cariboo