



Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
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March 10, 2017

ALC File: 55761

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 #57/2017) 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 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". The signature is fluid and cursive, with a large initial 'C'.

Celeste Barlow, Land Use Planner

Enclosures: Reasons for Decision (Resolution #57/2017)
Sketch plan

cc: District of 100 Mile House (File: 3010-02/Bethel Chapel)

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AGRICULTURAL LAND COMMISSION FILE 55761

REASONS FOR DECISION OF THE INTERIOR PANEL

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

Applicant:

**Bethel Chapel Society
(the “Applicant”)**

Agent:

**Nigel Hemingway,
Cariboo Geographic Systems
(the “Agent”)**

Application before the Interior Regional Panel:

**Richard Mumford, Panel Chair
Bob Haywood-Farmer
Roger Patenaude**



THE APPLICATION

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

Parcel Identifier: 028-017-170

Lot B, District Lots 33 and 4175, Lillooet District, Plan KAP89661
(the "Property")

[2] The Property is 3.3 ha in area (1.1 ha ALR).

[3] The Property has the civic address 550 Exeter Truck Route, 100 Mile House.

[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 remaining 1.1 ha portion of the 3.3 ha Property to accommodate subdivision of the existing buildings and associated with the church and gymnasium (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 November 22, 2016, the District of 100 Mile resolved that it has no objection to the ALR Exclusion application submitted by Cariboo Geographic Systems on behalf of Bethel Chapel Society.



[12] The Panel reviewed three previous applications involving the Property:

Application ID: 3888
Legacy File: 19717
(Bridge Creek Estates, 1985)

To exclude 0.8 ha from a 42.5 ha parcel for the purpose of providing a picnic and parking area for the church (Bethel Chapel Society) as the area was leased for those activities. The application was refused as proposed. Alternatively, the Commission approved subdivision and to use the site for the church related activities by Resolution #189/86.

Application ID: 8477
Legacy File: 31447
(Agricultural Land Commission, 1997)

A Block Exclusion application to exclude approximately 231 ha of ALR land in the District of 100 Mile House. The application was made based on comments made in support for removal of lands in the Districts 1990 OCP review. Refused as proposed by Resolution #399/97.

Note: The Commission allowed exclusion of some of the proposed properties. However, the Property (Application ID: 55761) was refused as it warranted retention in the ALR as per Resolution #189/86.

Application ID: 42174
Legacy File: 36138
(Bridge Creek Estate Ltd, 2005)

To exclude a total of 55.1 ha of land from the ALR from six locations on four properties, including the northern portion of the Property under Application. All of the properties under Application 42174 are owned by Bridge Creek Estates and are located in and around 100 Mile House. Refused as proposed by Resolution #415/2005.

Note: Resolution #415/2005 excluded the northern portion of the Property and the property adjacent to the north.



[13] The Panel reviewed two relevant applications relating to the application:

Application ID: 1902 Legacy File: 28613 (Bridge Creek Estate Ltd, 1993)	To exclude a 0.8 ha area of 2 lots of 85 ha each (170 ha total) to be used as a development site of a 371.6 m ² Jehovah's Witnesses worship centre. Refused by Resolution #377/1994.
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Note: Application 1902 is located to the north of the Property.

Application ID: 35985 Legacy File: 34770 (Bridge Creek Estate Ltd, 2003)	To exclude three small areas totaling 1.65 ha from the ALR and to subdivide a 1.76 ha rural home site for the ranch manager. Approved by Resolution #182/2003.
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Note: Application 35985 properties are located to the south west of the Property.

APPLICANT MEETING

[14] The Panel provided the Applicant the opportunity for an exclusion meeting to discuss the Application (as required by the s. 22 of *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*). The Applicant waived the requirement to have a meeting with the Panel pursuant to s. 30(5) of the *ALC Act*.

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/11 for the mapping units encompassing the Property are Class 2 and Class 4; more specifically (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 (adverse climate) and T (topographic limitations).

- [16] The Panel reviewed the CLI ratings and find that the Property has agricultural capability, which is further supported by rotational grazing west of the Property. The Property is separated from the grazing lands by a fence and the northern portion of the Property was excluded by Resolution #415/2005. Despite the CLI ratings, the entirety of the ALR portion of the Property is covered by buildings and infrastructure approved by Resolution #189/86, which precludes the agricultural use of the ALR portion of the Property.

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

- [17] The Applicant contributed the following statement for economic, cultural and social values:

The exclusion of the land and the subdivision of it will benefit the residence of 100 Mile House and surrounding area. The Bethel Chapel will continue to serve its congregation culturally and socially. The Loaves and Fishes outreach centre provides a significant service to people in need throughout the region. The Rhythmic Gymnastics Club currently offers a "Teddy Bear" program for pre-schoolers, a "Jewel & Rainbow" program for older children as well as an aesthetic group gymnastics competitive program. There are no facilities in town suitable for their programs other than school district gymnasiums. They plan to expand their sports programing if they can own their own gymnasium which will further benefit the community.



While the Bethel Chapel may contribute to the cultural and social value of the community, in this case, the Panel finds that these considerations are not contributory to the decision given the review of the agricultural considerations.

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

[18] The Applicant stated the following:

The District Municipality of 100 Mile House has already incorporated their planning objectives for this land and the land north of it into their recently adopted Community Plan. By designating these two properties Institutional and Commercial the future objectives for land use are clear and conform to the previous Land Commission decision.

The District of 100 Mile stated the following:

The entire subject property, including both the portions within and outside of the ALR, are designated Public Use and Institutional in Official Community Plan Bylaw 1288, 2016, and zoned Institutional Zone (P-1) in Zoning bylaw 1290, 2016. The current use of the property conforms with the OCP and the Zoning Bylaws.

The Application is consistent with the Official Community Plan and Zoning Bylaws.

Weighing the factors in priority

[19] The Panel finds that the Property is suitable for exclusion as it has been impaired by church buildings and infrastructure, and the church use is consistent with the Official Community Plan and zoning bylaw both currently and if excluded from the ALR.



DECISION

[20] For the reasons given above, the Panel approves the Proposal to exclude the remaining 1.1 ha portion of the 3.3 ha Property.

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

- Continued maintenance of the existing fence surrounding the Property for the purpose of ensuring that the cattle grazing in the area will not be adversely impacted by the Proposal.

[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] The Commission will advise the Registrar of Land Titles that the Property has been excluded from the ALR.

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

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

[26] This decision is recorded as Resolution #57/2017 and is released on March 10, 2017.

CERTIFICATION OF DECISION

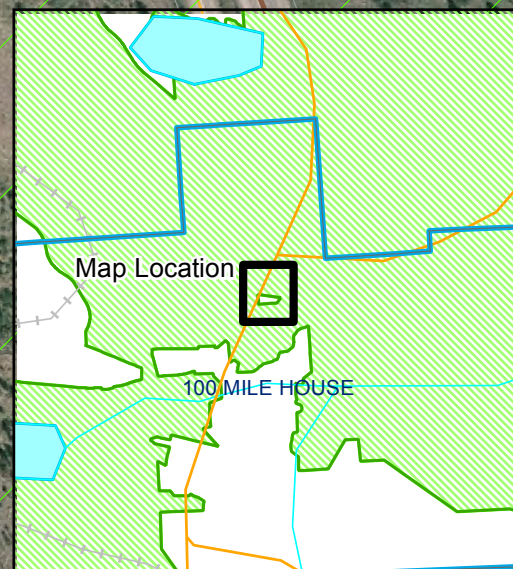
A handwritten signature in black ink, which appears to read 'R. Mumford', is written over a horizontal line.

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

END OF DOCUMENT

Application ID# 55761
Approved Exclusion
Area: 3.3 ha (1.1 ha ALR)
ALC Resolution #57/2017

ALR



Approved Exclusion
Area ~1.1 ha

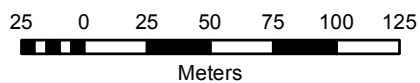
Cariboo Hwy

ALR



Airphoto Map

2010 Enhanced Orthophoto
Map Scale: 1:3,000



ALC File #:	55761
Mapsheet #:	92P.064
Map Produced:	Jan 13, 2017
Regional District:	Cariboo