



Agricultural Land Commission
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April 9, 2021

ALC File: 61435

Penney Emms
DELIVERED ELECTRONICALLY

Dear Penney Emms:

Re: Reasons for Decision - ALC Application 61435

Please find attached the Reasons for Decision of the North Panel for the above noted application (Resolution #152/2021). As agent, it is your responsibility to notify the applicants accordingly.

Under section 33 of the *Agricultural Land Commission Act* (ALCA), a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. Please be advised however that on March 12th, 2020 the ALC Amendment Act ([Bill 15 – 2019](#)) was brought into force and effect, changing the reconsideration process.

A request to reconsider must now meet the following criteria:

- No previous request by an affected person has been made, and
- The request provides evidence not available at the time of the original decision that has become available, and that could not have been available at the time of the original decision had the applicant exercised due diligence, or
- The request provides evidence that all or part of the original decision was based on evidence that was in error or was false.

The amendments also propose a change to limit the time period for requesting a reconsideration to 90 days from the date of this decision – this change has not been brought into force and effect yet. As a result, a person affected by this decision will have one year from the date of this decision's release as per [ALC Policy P-08: Request for Reconsideration](#) to request reconsideration of the decision or 90 days from the date the legislative change takes effect (date unknown at this time), whichever comes sooner.

Please refer to the ALC's [Information Bulletin 08 – Request for Reconsideration](#) for more information.

Please direct further correspondence with respect to this application to ALC.North@gov.bc.ca.

Yours truly,

Shannon Duong, Land Use Planner

Enclosure: Reasons for Decision (Resolution #152/2021)

cc: Peace River Regional District (File No. 20-006 ALR EX); Attention: Jack Irving-Peckham

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AGRICULTURAL LAND COMMISSION FILE 61435
REASONS FOR DECISION OF THE NORTH PANEL

Exclusion Application Submitted Under s.30(1) of the Agricultural Land Commission Act as it was written immediately prior to September 30, 2020

Applicants: Lyle Pringle
Doreen Shadow

Agent: Penney Emms

Property: Parcel Identifier: 014-460-343
Legal Description: Parcel A (P16679) of the South
West ¼ of Section 33, Township 77, Range 14,
West of the 6th Meridian, Peace River District,
Except Plan 30427
Civic: 437 Briar Ridge Road, Pouce Coupe, BC
Area: 17.8 ha (entirely within the ALR)

Panel: Janice Tapp, North Panel Chair
Karen McKean

OVERVIEW

- [1] The Property is located within the Agricultural Land Reserve (“ALR”) as defined in s. 1 of the *Agricultural Land Commission Act* (“ALCA”).
- [2] Pursuant to s. 30(1) of the ALCA as it was written immediately prior to September 30, 2020, the Applicants are applying to the Agricultural Land Commission (the “Commission” or “ALC”) to exclude approximately 10.7 ha (the “Proposed Exclusion Area”) of the 17.8 ha Property from the ALR (the “Proposal”).
- [3] The Application states that the purpose of the Proposal is to facilitate the operation of an existing campground and host a variety of agriculture-related tourism events such as old-fashioned farming demonstrations with horses, portable farms with pony rides, tractor pulls, wagon rides, and short trail rides. In addition, the Applicants state that they plan to host gatherings including weddings, family reunions, and pow wows.
- [4] The Proposal was considered in the context of the purposes and priorities of the Commission set out in s. 6 of the ALCA:
 - 6 (1) The following are the purposes of the commission:
 - (a) to preserve the agricultural land reserve;
 - (b) to encourage farming of land within the agricultural land reserve 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 land within the agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.
 - (2) The commission, to fulfill its purposes under subsection (1), must give priority to protecting and enhancing all of the following in exercising its powers and performing its duties under this Act:
 - (a) the size, integrity and continuity of the land base of the agricultural land reserve;
 - (b) the use of the agricultural land reserve for farm use.

EVIDENTIARY RECORD

- [5] The Proposal, along with related documentation from the Applicants, Agent, local government, third parties, and Commission is collectively referred to as the “Application”. All documentation in the Application was disclosed to the Agent in advance of this decision.
- [6] On January 25, 2021, a Notice of Exclusion Meeting was provided to the Agent and the Peace River Regional District (the “PRRD”). On February 2, 2021, the Panel conducted a meeting with Applicant Doreen Shadow and the Agent via teleconference (the “Exclusion Meeting”). An exclusion meeting report was prepared and was certified as accurately reflecting the observations and discussions of the Exclusion Meeting by the Agent on February 10, 2021 (the “Exclusion Meeting Report”).

BACKGROUND

- [7] The Application submits that the Proposed Exclusion Area currently contains:
- A residence occupied by the Applicants;
 - A vacant manufactured home that is intended to be used as a store/office space and employee residences (“the Nest”);
 - A campground containing 22 RV sites;
 - Washroom facilities;
 - A rental shack including storage of camping supplies;
 - A food truck;
 - Workshops (for lawnmower maintenance, agricultural machinery, and machinery related yard works);
 - Outbuildings;
 - A trailer; and
 - RNN Sales and Rentals (commercial equipment and truck rental business).

According to the Applicant Meeting Report associated with previous ALC Application 59996, Applicant Doreen Shadow had indicated that Property contained the Applicants' residence, shop, outbuildings, woodshed, and vacant manufactured home when the Applicants purchased the Property in 2015.

- [8] The portion of the Property proposed to remain in the ALR contains a dugout, a cabin on skids, berry picking trails, and will be used as a green space for the existing campground on the Property.
- [9] The existing campground, associated services, and the Nest are not permitted by the ALCA or its regulations and do not have the necessary approval from the ALC or permits from the PRRD for the commercial use.
- [10] In 2020, ALC Application 59996 for non-farm use was submitted to the Commission to use the 17.8 ha Property for a campground (including 22 RV stalls and tenting space), campground washroom facilities, rental shack associated with the campground, rental cabin, building containing a commercial store, office and residence for employees (the Nest), food truck with liquor license, commercial sauna, commercial ATV tours, and to host music festivals and community events. The proposal requested retroactive approval of placement of 548.7 m³ of shale and crushed gravel fill that had already been placed. The Panel considered whether the Property had the capability to support agricultural production based on its agricultural capability, previous agricultural uses, and previous subdivisions, and found that the Property is capable of supporting agricultural production. The Panel also considered whether the proposal would impact the agricultural utility of the Property based on the proposed commercial use and previous fill importation, and found that the proposal is not consistent with s. 6 of the ALCA and would negatively impact the agricultural utility of the Property. By Resolution #331/2020, the Panel refused the proposal for non-farm use in the ALR.

EVIDENCE AND FINDINGS

- [11] The Application was submitted to the PRRD on September 29, 2020 and was forwarded to the Commission by the PRRD on December 1, 2020. On September 30, 2020, the ALCA was amended and changes were made to its regulations; specifically, s. 30(1) of the former ALCA, which previously enabled private landowners to apply to the Commission to exclude their property from the ALR, was repealed. Section 61 of the ALCA provides transitional procedures for matters commenced prior to September 30, 2020. Section. 61(5) of the ALCA states: *“The Provincial Agricultural Land Commission may take up and carry on to completion all proceedings or other matters commenced under any enactment that were, immediately before the coming into force of this section, before the Land Reserve Commission.”* For this reason, the Application was processed in accordance with the ALCA and its regulations as they were written immediately prior to September 30, 2020.
- [12] Although the Property is not located within the jurisdiction of the Village of Pouce Coupe (the “Village”), the Application submits that the Village supports the Proposal as there are currently no other campground sites within the Village. The Application states that the Proposal would increase revenue for small businesses and foot traffic for the Village. The Exclusion Meeting Report reflects the Applicant Doreen Shadow’s discussion that the Proposal would also help increase foot traffic to their neighbours’ heritage site. The Panel recognizes that the Application has presented several arguments in support of the proposed campground which are social and economic in nature. The Panel, however, wishes to clarify its decision considerations must be consistent with the purposes of the ALCA, which include preserving and encouraging farming on agricultural land. To fulfill its purposes, the Panel must prioritize the protection and enhancement of the size, integrity and continuity of the ALR land base and the use of the ALR for farm use.
- [13] To assess agricultural capability on the Property, the Panel referred to agricultural capability ratings. The ratings are identified using the Canada Land Inventory (CLI), ‘Soil Capability Classification for Agriculture’ system. The improved agricultural capability ratings applicable to the Property are Class 2, Class 6, and Class 7; more specifically, 2C

and 6:7TR-4:6T. The Proposed Exclusion Area consists primarily of land rated 6:7TR-4:6T with some 2C land, whereas the land proposed to remain in the ALR is primarily rated 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 6 - land is important in its natural state as grazing land. These lands cannot be cultivated due to soil and/or climate limitations.

Class 7 - land has no capability for soil bound agriculture.

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

- [14] Based on the agricultural capability ratings, the Panel finds that the Proposed Exclusion Area has secondary agricultural capability with some areas of prime agricultural capability.
- [15] The Panel reviewed the Applicant Meeting Report associated with ALC Application 59996 and understands that the previous property owner had used the Property for agricultural purposes; more specifically, for raising racehorses.
- [16] The Application states that the Proposed Exclusion Area is “insufficient for farmland use”. The Application further explains that the Pouce Coupe River located to the west of the Property floods a portion of the Proposed Exclusion Area into June and July, and that the riverbanks make it difficult to move farm equipment and is dangerous for animals. During the Exclusion Meeting, the Agent explained that the area is difficult to fence for animals, and it would be difficult to grow vegetables or keep animals in that area. The Panel reviewed maps of the Property in relation to the Pouce Coupe River and notes that the Property’s western boundary is not adjacent to the river. For this reason, the Panel finds that the Property could be fenced along the western boundary for agricultural use.

- [17] The Panel considered the mixed agricultural capability of the Proposed Exclusion Area and the agricultural potential of the Property. In this case, the Panel finds that the Proposed Exclusion Area contains land that is suitable for agricultural use.
- [18] The Applicants are proposing to retain a ~7.1 ha area within the ALR that is located in the southeast portion of the Property which contains a ~4 ha arable field. The Application states that part of the field would be used as a green space in association with the existing campground. The Panel considered the proposal to keep 7.1 ha of the Property (which predominantly consists of 2C land) in the ALR, but finds that using the arable field as green space for the proposed campground is not supportive of agricultural use.
- [19] The Panel considered the above and finds that the Proposal would not preserve land that could be used for agriculture. Further, the Panel finds that exclusion of the land from the ALR would reduce the agricultural integrity and continuity of the ALR by introducing commercial uses onto the Property and surrounding ALR land that may present conflicts between uses.
- [20] For these reasons, the Panel finds that the Property is appropriately designated as ALR and that the Proposed Exclusion Area should remain in the ALR.
- [21] Although the Panel is not amenable to excluding a portion of the Property from the ALR, the Panel considered that the commercial tourism activities that the Applicants want to conduct have an agricultural theme. The proposed uses may be similar to uses such as agri-tourism (section 12), gathering for an event (section 17), and agri-tourism accommodation (section 33) that are permitted in the ALR Use Regulation provided that the land is classified as “farm” under the *Assessment Act* and the activities meet the specified criteria under the ALR Use Regulation. While the Property does not currently have farm classification under the *Assessment Act*, the Panel noted that, should the Applicants farm the Property and obtain farm classification, they may be able to pursue some agri-tourism related activities permitted within the ALR.



DECISION

[22] For the reasons given above, the Panel refuses the Proposal to exclude an approximately 10.7 ha portion of the Property from the ALR.

[23] These are the unanimous reasons of the Panel.

[24] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(3) of the ALCA.

[25] Resolution # 152/2021
Released on April 9, 2021

Janice Tapp, Panel Chair
On behalf of the North Panel