



**Agricultural Land Commission**  
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October 6, 2014

ALC File: #53504

Jeremy Penninga  
3435 Poplar Road  
Smithers, BC V0J 2N6

Dear Mr. Penninga:

**Re: Application for Non-Farm Use on Land in the Agricultural Land Reserve (ALR)**

Please find attached the Minutes of Resolution #296/2014 as it relates to the above noted application.

The Commission draws your attention to s. 33(1) of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

- 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.

A revised proposal does not constitute new evidence and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

Further correspondence with respect to this application is to be directed to Liz Sutton.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink that reads 'Liz Sutton'. The signature is written in a cursive, flowing style.

Colin J. Fry, Chief Tribunal Officer

Enclosure: Minutes of Resolution #296/2014

cc: Regional District of Bulkley-Nechako (File #1152)

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## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on August 6, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53504.

### COMMISSION MEMBERS PRESENT:

Gordon Gillette	Vice-Chair (Acting Chair)
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner

### COMMISSION STAFF PRESENT:

Gordon Bednard	Planner
Celeste Barlow	Planner
Liz Sutton	Planner
Jennifer Carson	Planner
Colin J. Fry	Chief Tribunal Officer

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### PROPOSAL (Submitted pursuant to s. 20(3) of the *Agricultural Land Commission Act*)

To construct a 3,000 ft<sup>2</sup> (279 m<sup>2</sup>) carpenter shop with a lean-to on each side. The applicant indicates he may wish to add a cabin for a watchman or even a second building for a client which would be 1,000 ft<sup>2</sup> for carpentry related activities.

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### PROPERTY INFORMATION:

**Owner:** Jeremy Penninga

**Legal:** PID: 011-682-809  
Lot 2, Section 8, Township 4, Range 5, Coast District, Plan 4027

**Location:** Smithers/Telkwa

**Size:** 3.3 ha

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### LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
- to preserve agricultural land;
  - 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.
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#### **SITE INSPECTION**

A site inspection of the subject property was conducted on June 25, 2014. Those in attendance included Commissioner Jerry Thibeault, ALC Staff Gordon Bednard and Reed Bailey, Mr. Jeremy Penninga, and Mr. John Stevenson (Regional Agrologist) from the Ministry of Agriculture

The Commission and staff noted that the soil was relatively rocky with limited vegetation but is similar to other parcels in the area being used for agriculture.

Section 14(2) of the *Agricultural Land Commission Act* provides that a member of the Commission who was not present at a meeting to determine an application or other matter may vote on the application or matter only if a summary of the meeting is given to the member before the vote. Commissioner Thibeault gave a verbal summary of the site inspection to all Commission members recorded above.

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#### **COMMISSION CONSIDERATION**

The Commission reviewed one previous application involving the subject property:

Application #16478      Proposal to extract 50,000 m<sup>3</sup> of gravel from a 1 ha portion of the 118.7 ha subject property. Allowed by Resolution #1348/83.  
(Greider, 1983)

After considering the information the Commission concluded as follows:

1. In assessing agricultural capability, the Commission refers 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 93L/11 for the subject property are Class 3X and 7:5MP 3:4M.

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.

Subclass limitations are (X) cumulative and minor adverse conditions, (M) soil moisture deficiency and (P) stoniness.

Mr. Stevenson's email to the Regional District of Bulkley-Nechako (dated September 27, 2103) described his September 24, 2013 site visit and assessment of soils on the subject property. In his email, Mr. Stevenson stated that *"From an agricultural perspective, I believe that the soil on this parcel is not only arable but could be productive for a variety of crops when good agricultural practices are utilized"*. Mr. Stevenson included his recommendations for potential improvements.

**Conclusion:**

The subject property has good agricultural capability and with improvements can be used for agricultural purposes. The introduction of the proposed non-farm use to the property would diminish the overall agricultural potential of the property.

**IT WAS**

**MOVED BY:            Commissioner Thibeault**

**SECONDED BY:        Commissioner Miles**

THAT the proposal be refused.

**CARRIED**

**Resolution #296/2014**