



July 21, 2016

Agricultural Land Commission
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ALC File: 54991

The Pentecostals of Fort St. John
10507 – 101st Avenue
Fort St. John, BC V1J 2B7

Dear Sir/Madam:

Re: Application to Conduct a Non-Farm Use in the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #271/2016) as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly.

Your attention is drawn 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.

Please note that pursuant to s. 33.1 of the *Agricultural Land Commission Act*, the Chair may direct the executive committee to reconsider this 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 section 6 or does not adequately take into account the considerations set out in section 4.3”. I can advise you that in this case, the Chair has already reviewed the decision and has instructed me to communicate to you that he does not intend to exercise that authority in this case.

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:

A handwritten signature in black ink, appearing to be 'CJF', written over a light blue circular stamp.

Colin J. Fry, Director of Policy and Planning

Enclosure: Reasons for Decision (Resolution #271/2016)

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cc: Peace River Regional District (File: 077/2016)



AGRICULTURAL LAND COMMISSION FILE 54991

REASONS FOR DECISION OF THE NORTH PANEL

Application submitted pursuant to s. 20(3) of the *Agricultural Land Commission Act*

Applicants:

**Kenneth Babcock
Kimberley Babcock
(the “Applicants”)**

Agent:

**The Pentecostals of
Fort St. John
(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:

Parcel Identifier: 017-816-173

Lot B, Section 12, Township 84, Range 19, West of the 6th Meridian, Peace River

District, Plan PGP36302

(the "Property")

[2] The Property is 5.1 ha in area.

[3] The Property is generally described as being located north of the City of Fort St. John, along West Bypass

[4] The Property is located 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. 20(3) of the *ALCA*, the Applicants are applying to convert an indoor riding arena into a religious facility (the "Proposal"). The Proposal along with supporting documentation are collectively (the "Application").

RELEVANT STATUTORY PROVISIONS

[7] The Application was made pursuant to s. 20(3) of the *ALCA*:

20(3) An owner of agricultural land or a person with a right of entry to agricultural land granted by any of the following may apply to the commission for permission for a non-farm use of agricultural land.

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



Application ID: 7284
Legacy File: 25485
(Harding, 1991)

To subdivide the 10.1 ha property into two parcels of approximately 5 ha each. Approved by Resolution #108/1991.

Note: Lot B of the resulting from this subdivision is the Property.

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 rating identified on CLI map sheet 94A/07 for the mapping unit encompassing the Property is Class 2; more specifically (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.

The limiting subclass associated with the Property is C (adverse climate).

[14] The Panel reviewed the CLI rating and finds that the Property has excellent agricultural capability.

[15] The Panel notes that the Property is currently used for an equestrian arena and horse pasture/boarding.

[16] The Panel notes that properties north of West Bypass are located within the ALR.

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

[17] The Applicant did not provide any information specifically citing economic, cultural and social values.

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

[18] The Property is designated 'MDR- Medium Density Residential' within the Peace River Regional District ("PRRD") North Peace Fringe Area Official Community Plan ("OCP"), Bylaw No.1870 (2009). PRRD staff provided the following comment: *"Within this designation, the principle use of the land is limited to residential and home based business. A church is a use permitted within the 'Civic' designation. Therefore, this proposal is not consistent with the OCP"*.

[19] The Property is zoned R-3 (Residential 3 Zone) within the PRRD Zoning Bylaw No. 1343, (2001). PRRD staff provided the following comment: *A church is not a permitted use in this zone. Therefore, this proposal is not consistent with zoning.*

Weighing the factors in priority

[20] In considering s. 4.3(a) and the first priority to agriculture, the Panel finds that the Property has excellent agricultural capability. The Panel believes that the Proposal, if approved, may place further non-farm use pressures on surrounding properties located in the ALR. For these reasons, the Panel does not believe that the Proposal provides a positive benefit to agricultural.

[21] In considering regional and community planning objectives as required by s. 4.3(c), the Panel finds that the Proposal is inconsistent with the PRRD's OCP and Zoning Bylaw.



[22] As a result of these findings, the Panel believes the proposed non-farm use is better suited to a Property located outside of the ALR.

DECISION

[23] For the reasons given above, the Panel refuses the Proposal to convert an indoor riding arena into a religious facility.

[24] Panel Chair **Dave Merz** concurs with the decision.
Commissioner **Sandra Busche** concurs with the decision.
Commissioner **Garry Scott** concurs with the decision.

[25] Decision recorded as Resolution #271/2016.

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

Upon instruction of the Panel, I have been authorized to release the Reasons for Decision by Resolution #271/2016. 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

July 21, 2016

Date Released