



FAXED

Agricultural Land Commission
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November 7, 2005

Reply to the attention of Simone Rivers

Jeremy Penninga
P.O. Box 788
1175 Main Street
Smithers, BC – V0J 2N0

Dear Mr. Penninga:

Re: Application #B- 36130-0
Lot 1, Section 2, Township 1A, Range 5 Coast District, Plan 3820

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to build a church on the southern portion of the above mentioned property. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*.

The Commission wishes to thank you for taking the time to meet with its representatives on October, 31, 2005. Although they had viewed the property previously, it felt that the meeting with the representatives of the Canadian Reformed Church was valuable for understanding the proposed use of the property.

On inspection of the property, the Commission again noted that, although not currently being farmed, the property had good agricultural capability. Upon consideration, the Commission was not prepared to allow non-farm activities on the east side of Banff Road. It felt that the road, and current ALR boundary, provided a good transition between the residential development on the outskirts of Smithers and the agricultural land to the east. The Commission was also not convinced that this property represented the only location in the Smithers area where the church could be located and as such was not prepared to allow this non-farm use of agricultural land.

For these reasons, the Commission refused your application as proposed.

The decision noted above is recorded as Resolution #584/2005.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

per:

Erik Karlsen, Chair

cc: Regional District of Bulkley-Nechako – File: 1004
Herbert and Edda Blum, Box 2304, Smithers, BC – V0J 2N0

SM/lv/36130d1

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on October 31, 2005 Burns Lake Motor Inn, Burns Lake, BC.

PRESENT: Frank Read Chair
Harold Kerr Commissioner

ABSENT: Grant Huffman Commissioner

STAFF: Simone Rivers, Regional Research Officer
Roger Cheetham, Planner

For Consideration

Simone Rivers presented the staff report dated September 22, 2005 regarding application #B- 36130 – 0. Mr. Jeremy Penninga, agent for the applicant, confirmed that he received the staff report and did not identify any errors.

Site Inspection

A site inspection was conducted on October 31, 2005 Those in attendance were:

- Commissioners Read, Kerr,
- Agricultural Land Commission Staff: Simone Rivers, Regional Research Officer and Roger Cheetham, Planner
- Resource Stewardship Agrologist, Ministry of Agriculture and Lands: Shirley Hamblin
- Area "A" Director, Bulkley-Nechako Regional District: Andy Howard
- Agent for the applicant: Jeremy Penninga
- Member of the building committee of the Canadian Reformed Church: John VanVeen

The Commission drove around the accessible portions of the perimeter of the property. It also met, on site, with representatives for the Canadian Reformed Church, Mr. Penninga and Mr. VanVeen to discuss the proposed non-farm use. The representatives of the church told the Commission about the difficulty of finding a parcel of land large enough for the church within the Town of Smithers. The Commission noted that although the property was currently forested, it had likely been cleared at one point.

The site inspection lasted from 8:30 a.m. to 9:00 a.m.

Commission Discussion

Although they had viewed the property previously, the Commission felt that the meeting with the representatives of the Canadian Reformed Church was valuable for understanding the proposed use of the property.

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On inspection of the property, the Commission again noted that, although not currently being farmed, the property had good agricultural capability. Upon consideration, the Commission was not prepared to allow non-farm activities on the east side of Banff road. It felt that the road, which is also the current ALR boundary, provided a good transition between the residential development on the outskirts of Smithers and the agricultural land to the east. The Commission was also not convinced that this property represented the only location in Smithers where the church could be located and as such was not prepared to allow non-farm use of ALR land for church purposes.

IT WAS

MOVED BY: Commissioner Read

SECONDED BY: Commissioner Kerr

THAT the staff report be received and the application to build a church on the south portion of the 16 ha property be refused on the grounds that the property has good agricultural capability and that the Commission was not prepared to allowed non-farm activities on the east side of Banff road. It felt that the road provided a good transition between the residential development on the outskirts of Smithers and the agricultural land to the east.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



Staff Report
Application # B – 36130 – 0
Applicant: Herbert Martin & Edda Margaret Blum
Agent: Jeremy Penninga

DATE PREPARED: September 22, 2005

TO: Chair and Commissioners – North Panel

FROM: Simone Rivers, Regional Research Officer

PROPOSAL: To build a church on the south portion of the 16 ha property.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The Canadian Reformed Church wishes to develop a new church on the south end of the property. The existing dwelling on the property is proposed to be used as a manse. As the applicants are not applying for subdivision of the property the remainder of the property would be left as is (forested). The applicants feel that this would not preclude future agricultural use of the property.

As Commissioners Read and Kerr visited the property in 2003 and as the Commission did not visit the Regional District as part of their September Panel trip the applicants have asked for consideration of this file prior to the Commission's next meeting in November 2005. A letter was sent to the Commission on September 28, 2005 stating that they feel that the previous site visit gives the Commission sufficient knowledge of the property and that they wish to expedite the process if at all possible by not having a site visit.

Local Government:

Regional District of Bulkley-Nechako

Legal Description of Property:

PID: 011-726-792
Lot 1, Section 2, Township 1A, Range 5, Coast District, Plan 3820

Purchase Date:

June 1996

Location of Property:

3353 Ottawa Street, just west of the Town of Smithers boundary.

Size of Property:

16 ha (The entire property is in the ALR).

Present use of the Property:

Residential, there is a house, detached carport, old farm structure beside the highway, and an uninhabitable residence. The property is not currently being used for agriculture.

Surrounding Land Uses:

- WEST:** Residential lots (non-ALR)
- SOUTH:** Town boundary, residential (non-ALR)
- EAST:** Rural residential (ALR)
- NORTH:** Rural residential (ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 93L/14
The majority of the property is identified as having the following ratings. 8:4PT – 2:3X

Official Community Plan and Designation:

Smithers Telkwa Rural OCP Bylaw No. 546, 1987 designates the parcel as Rural Agricultural (Ru-A)

Zoning Bylaw and Designation:

Regional District of Bulkley-Nechako Zoning Bylaw No. 700, 1993 designates this parcel as Agricultural (AG1).
Minimum Parcel Size 16 ha.

PREVIOUS APPLICATIONS:

Application #35050-0

- Applicant:** Blum, Herbert Martin & Edda Margaret
- Decision Date:** December 23, 2003
- Proposal:** To subdivide the 16 ha property into 3 equal lots.
- Decision:** Refused on the grounds that the property is most valuable for agriculture in its existing size. To subdivide as proposed would reduce its agricultural options and lessen the likelihood of it being developed for agriculture.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Advisory Planning Commission: Recommend approval subject to no future subdivision of the property.

Planning Department Staff: The amount of land proposed for the non-farm use is relatively minor. The proposed development would be concentrated near existing development and Highway 16. Institutional land uses such as this have a difficult time finding property suitable for development. They are often forced outside municipal boundaries due to their size requirement and inability to increase their density. In the Smithers area there are few existing vacant parcels of the appropriate size that are not within the ALR.

The potential for urban development on adjacent lands already exists. The proposal may prevent future land use conflicts between the adjacent very small residential lots and the Town of Smithers boundary, and the adjoining hayfields. The property is not currently being used for agriculture. Potential conflicts with normal farm practices would be minimal because the church development would be buffered from the adjacent hay field by the existing house. The majority of the property would remain undeveloped and would therefore be preserved for future farm use.

OTHER COMMENTS:

Resource Stewardship Agrologist: recommends denial and forwarded the following comments:
"This 16 ha property is well situated for intensive agricultural use such as market gardening or other horticultural endeavors which thrive when located close to a thriving town such as Smithers.

I have not had an opportunity to visit the site to review the agricultural capability rating. Given the current rating, this piece of land has good agricultural value. I realized the land is not currently being farmed but this in no way limits its long-term capability for agriculture.

To approve this application as it stands to become non-farm use will in the long term alienate this land from any viable agricultural opportunity because it will have to be rezoned as well for institutional use. For these reasons I can not support this application."

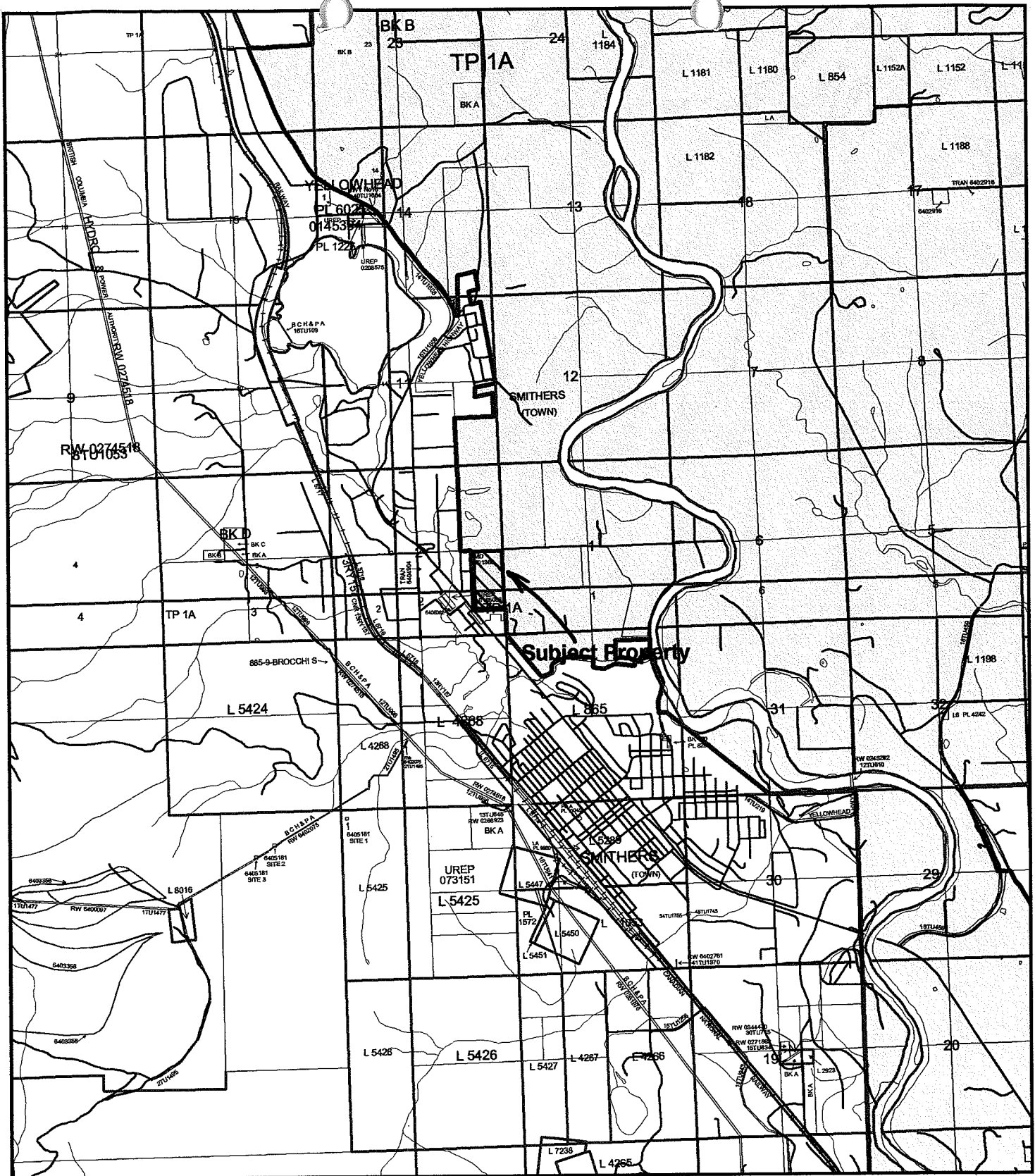
END OF REPORT

Simone Rivers

Signature

Oct 10 4/05

Date



ALC CONTEXT MAP
Application # 36130

Map Scale: 1: 50000

ALC File #: 21-05-36130
NTS Map Sheet #: 93L/14
Regional District: Bulkley-Nechako