



Agricultural Land Commission
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November 28, 2007

Reply to the attention of Simone Rivers
ALC File: B-37654

Jake Hiebert
Box 587
Burns Lake, BC V0J1E0

Dear Mr. Hiebert:

Re: Application for Non-Farm Use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 623/2007 outlining the Commission's decision as it relates to the above noted application.

Construction of the pellet manufacturing plant may begin immediately; however, as discussed in the minutes, the Commission expects that the Regional District will submit an inclusion application for an equivalent area of land as soon as possible.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Erik Karlsen, Chair

cc: Regional District of Bulkley-Nechako (1040)

Enclosure: Minutes/



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 22, 2007 at the offices of the Ministry of Agriculture and Lands, Prince George, B.C.

PRESENT:	William Norton	Chair, North Panel
	John Kendrew	Commissioner
	Denise Dowswell	Commissioner
	Simone Rivers	Staff

For Consideration

Application: # B- 37654
Applicant: 650744 BC Ltd
Agent: Jake Hiebert
Proposal: Non-farm use to construct a pellet manufacturing plant on approximately 16 ha of the 57.5 ha subject property. Approximately 35 ha of the subject property lies within the Agricultural Land Reserve.
Legal: PID: 010-556-621
District Lot 801, Range 5 Coast District, Plan 1158, 3921 and PRP45426
Location: Located on Highway 16, approximately 14 km northwest of Burns Lake, adjacent to Decker Lake Forest Products.

Site Inspection

A site inspection was conducted on November 20, 2007. Those in attendance were:

- William Norton Chair, North Panel
- John Kendrew Commissioner
- Denise Dowswell Commissioner
- Simone Rivers Staff
- Jake Hiebert Applicant
- Steven James

The Commission met the applicant on the subject property. The property was relatively flat and had recently been logged. It was not improved for agricultural use. Part of the property was not in the ALR, but the non-ALR portion of the property was located on the south side of the creek and was not useful for the proposed use. The applicant highlighted the benefits of the proposed site such as its location next to the railroad and the road. The applicant provided the Commission with a letter from the proponent stating its commitment to develop the pellet plant on the subject property.

Mr. Heibert confirmed that the staff report dated October 31, 2007 was received and no errors were identified.

The Commission also met with representatives of the Regional District of Bulkley-Nechako on November 20, 2007 to discuss this application and its context within the Burns Lake Region.

Those in attendance were:

- Commissioners Norton, Kendrew and Dowswell
- Simone Rivers Staff
- Jason Llewellyn, Director of Planning
- Maria Sandberg Planning Technician
- Thomas Pfister Electoral Area "B" Director

Mr Llewellyn spoke about "Industrial Land Use Study" that the planning department had completed for the Burns Lake area outlining potential sites for possible future industrial development both within and outside of the ALR. Planning staff anticipate a review of the Official Community Plan for the area in the near future and had completed this industrial land use study as a part of the process. It was highlighted to the Commission the desire to diversify the economy in the Burns Lake area in light of the Pine Beetle epidemic. The Commission asked if there would be a possibility of the inclusion of land in the region with similar agricultural capability to offset the loss of this property to agricultural use. Planning staff indicated that this would be a possibility.

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. 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.

Discussion

Assessment of Agricultural Capability

The agricultural capability of the soil of the subject property is 4C and 5C with limitations of adverse climate typical of land in this area of the province.

Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

The Commission noted that the subject property was quite flat compared to much of the agricultural land in this part of the province. The Commission believed that the portions of the subject property that were within the ALR had agricultural capability and are correctly designated as ALR.

Assessment of Agricultural Suitability

The Commission assessed whether external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external factors that render the land unsuitable for agricultural use.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The development of a pellet plant and associated infrastructure on the subject property will alienate the property from future agricultural use. The Commission believes the proposal would impact existing or potential agricultural use of the subject property. However, the Commission acknowledges the desire on the part of local planners and politicians to diversify the economy in the region. The Commission also appreciated the openness of the local Government staff to discuss the opportunity to find an equivalent area of non-ALR to propose for inclusion to mitigate the negative impact of the loss of this land to agricultural use.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will impact agriculture.
4. That the inclusion of an equivalent area of non-ALR land into the ALR would mitigate the impact of the proposed non-farm use.

IT WAS

MOVED BY: Commissioner Norton

SECONDED BY: Commissioner Dowswell

THAT the application to build and operate a pellet manufacturing plant on 16 ha of the subject property be allowed.

AND THAT further to its discussion with Regional District Staff, the Commission expects that the Regional District will pursue the inclusion of an equivalent area (of the entire subject property) of non-ALR land in the area into the ALR as a corresponding benefit to agriculture.

AND THAT construction of the proposed pellet manufacturing plant must be commenced within three years of the date of this decision. If construction has not commenced in that time, this decision will expire and further requests for non-farm use of the subject property will require a new application to the Commission.

AND THAT permission to carry out non-farm use on the property is only given for the construction of a pellet plant and ancillary uses as proposed in the application. Any additional non-farm use would require further permission of the Commission.

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.

CARRIED

Resolution # 623/2007