



Agricultural Land Commission
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January 2, 2013

ALC File: #52607

ABC Training & Wellness Centre
5620 Blackburn Rd. S.
Prince George, BC
V2N 6C5

Dear Sir:

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

Please find attached the Minutes of Resolution #383/2012 as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

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

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure(s): Minutes of Resolution #383/2012

cc: Regional District of Fraser-Fort George (ALR 1550/W/1/2)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 22, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to the Request for Reconsideration of Application #52607.

COMMISSION MEMBERS PRESENT:

Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Liz Sutton	Land Use Planner
Ron MacLeod	Compliance & Enforcement Officer
Brian Underhill	Executive Director
Colin Fry	Executive Director

REQUEST FOR RECONSIDERATION

The Commission received letters dated April 30, 2012 and September 11, 2012 requesting reconsideration of its decision recorded as Resolution #129/2012, by which, the proposal to use the existing buildings on the property for an “at risk” youth trades training facility and as a commercial storage business was refused.

Owner: Veekens Poultry Farm
Agent: ABC Training & Wellness Centre

Original Proposal: To use the existing buildings on the property for an “at-risk” youth trades training facility and as a commercial storage business. The numerous buildings are concentrated on approximately 6.5 ha in the northwest portion of the property.
(Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

Original Decision: Refused as the proposal did not encourage agriculture and the buildings could be used for agriculture in the future. Resolution #129/2012 dated March 20, 2012.

Current Request: To allow the non-farm use of four (4) buildings for construction of modular building and equipment maintenance. The applicant is seeking a 3-year approval. The buildings occupy approximately 0.5 ha of the property.

Legal: PID: 015-066-525
The West ½ of District Lot 1550, Cariboo District

Location: 5620 Blackburn Road, Prince George

LEGISLATIVE CONTEXT FOR COMMISSION RECONSIDERATION

Section 33 (Reconsideration of decisions) of the *Agricultural Land Commission Act* states:

- 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.
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DECISION REGARDING THE REQUEST FOR RECONSIDERATION

The Commission believes that the applicant has demonstrated that part of the original decision was based on evidence that was in error. The applicant provided the following points of clarification (Letters dated April 30, 2012 and September 11, 2012):

- The staff report erroneously stated that 6.5 ha of land was proposed for non-farm use. However, ABC proposes to use four (4) of the fifteen (15) farm buildings totaling approximately 0.5 ha of non-farm use. The remaining buildings will be used for farm activities related to the berry farm, equipment storage, maintenance and repair.

The applicant also provided the following information:

- The adjacent properties to the north of the subject property are subdivided. There is a subdivision in the area to the south of the subject property.
- The property is at the edge of the Pine View farming area and on the edge of the ALR.
- The airport and the City of Prince George are located to the north and to the west, respectively.

As a result, it was moved by Commissioner Gillette and seconded by Commissioner Miles that there were no persons affected by the reconsideration and that the Commission reconsider Resolution #129/2012. The motion was carried unanimously.

SITE INSPECTION

A site inspection of the property was conducted on October 9, 2012. Those in attendance included Ron MacLeod, ALC Compliance and Enforcement Officer, Peter Veeken (Applicant) and Kevin Forrest (Agent). Mr. MacLeod did not attend the property on a compliance or enforcement matter; while he was in the area staff asked Mr. MacLeod to visit the property to get information about the buildings and to take photographs.

Mr. MacLeod presented photographs of the site inspection and provided a verbal account of the current uses of the subject property including residential use (three dwellings), agricultural use of buildings, current and attempted farm crops including hay and berries. Mr. MacLeod also identified the buildings that are for proposed non-farm use.

COMMISSION CONSIDERATION

After considering the new information provided by the applicant and site inspection the Commission concluded as follows:

1. Although the property is located on the edge of the ALR, the Commission does not believe that there are any external factors which render the land unsuitable for agricultural use. The Commission wishes to reiterate that the proposal is an example of non-farm encroachment into the ALR.

Conclusion:

The introduction of non-farm use into the ALR is not desirable.

2. In the Commission's experience, temporary non-farm use applications often precipitate long-term non-farm use applications once the business is established. The proposed non-farm use would potentially alienate multiple buildings from future agricultural use.

Conclusion:

The non-farm use of vacant agricultural buildings will discourage future agricultural use of those buildings.

Conclusion:

The proposal is inconsistent with the Commission's mandate to preserve agricultural land and encourage agriculture in the long-term.

IT WAS

MOVED BY: Commissioner Gillette

SECONDED BY: Commissioner Miles

THAT the request for non-farm use of 0.5 ha be refused.

CARRIED

Resolution #383/2012