



Agricultural Land Commission
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January 14, 2014

ALC File: #53031

Kevin Plug
PO Box 2140
Smithers, BC
V0J 2N0

Dear Mr. Plug:

Re: Application to Exclude Land from the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution #325/2013 as it relates to the above noted application. As agent, it is your responsibility to notify your client accordingly. The Commission will await your client's response regarding the buffering issue.

By way of this letter, the Commission invites comments from the Regional District regarding appropriate buffering.

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

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #325/2013

cc: Regional District of Bulkley Nechako (File #1133)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 3, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53031.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
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
Colin Fry	Executive Director

PROPOSAL: (Submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*)

To exclude the 2.2 ha property from the Agricultural Land Reserve (ALR) as recommended by the Commission in Resolution #723/2009 (See Below).

PROPERTY INFORMATION:

Owner: Canadian Reformed School Association

Legal: PID: 005-261-252
Lot A, Section 31, Township 4, Range 5, Coast District, Plan 11743

Location: Smithers

Size: 2.2 ha

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:

- (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.

PREVIOUS APPLICATIONS

The Commission reviewed one previous application involving the subject property:

Application #50143
(Ebenezer Canadian
Reformed School Society,
2009)

To expand the existing school by approximately 500 m² by adding two classrooms and an addition onto the gymnasium. The applicant also requests that the Commission consider allowing future expansions of the school without further application pursuant to the *Agricultural Land Commission Act*. The Commission believed the applicant's latter request should be done by way of an exclusion application. As such, the Commission was not prepared to endorse any and all future expansions of the school at this time, but would consider such a request pursuant to an exclusion application. The Commission suggested that this would be the appropriate application to make in the future should another expansion of the school be contemplated.

The application to add two classrooms and an addition onto the gymnasium was approved as proposed – Resolution #723/2009 dated August 27, 2009.

Application #18929
(Ebenezer Canadian
Reformed School Society,
1985)

First proposal (1985): To add a 592 m² addition to the existing school building. The proposed addition included an auditorium, locker rooms, an office for the Vice Principal, a storage room, a janitor's room and staff washroom. Allowed by Resolution #336/1985 dated April 25, 1985.

Second Proposal on Reconsideration (1989): To add two classrooms and a storage area to the existing school; total size of the addition is 181 m². Approved by Resolution #433/1989 dated May 5, 1989.

RELEVANT FACTS

1. The school has operated on the subject property since 1969, predating the introduction of the ALR;
2. The Commission has permitted expansion of the school infrastructure on three previous occasions (1985, 1989 and 2009);
3. The Regional District of Bulkley-Nechako's *Planning Department Referral Report*, dated November 22, 2012 contains the following statements:

The school building and its outdoor recreation areas take up the entire 2.3 ha property. As the property is located in an area of smaller size parcels with no significant farming operations close by, and no change in use is suggested, this exclusion application should not impact surrounding agriculture.

The Planning Department feels that the school use of this property is appropriate and the property should not remain in the ALR.

CONCLUSION

The Commission concurs with the statements from the Regional District.

IT WAS

MOVED BY: Commissioner Gillette
SECONDED BY: Commissioner Johnson

THAT the request to exclude the 2.2 ha property be approved.

AND THAT the approval is subject to the applicant providing advice as to how current and future activities associated with the school will be contained on the school property to ensure adjacent agricultural lands are not negatively impacted, such as from trespass. For example, would erecting a fence and/or planting a vegetative buffer be useful. This condition recognizes that the school has operated almost 45 years and the Commission is not aware of use related conflicts in the area. However, the Commission's interest in this regard is directed more at future expansions because once excluded from the ALR the Commission no longer has jurisdiction over the land. The Commission also invites comments from the Regional District in this regard.

AND FINALLY THAT 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 #325/2013