



June 7, 2016

Agricultural Land Commission
133–4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
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www.alc.gov.bc.ca
ALC File: 55174

Sandra and Chris Cushway
5730 Baldonnel Road
Baldonnel, BC V0C 1C0

Dear Mr. and Mrs. Cushway:

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 #190/2016) as it relates to the above noted application. A sketch plan depicting the decision is also attached.

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

A handwritten signature in black ink that reads 'Jess Daniels' in a cursive, flowing script.

Per:

Colin J. Fry, Director of Policy and Planning

Enclosures: Reasons for Decision (Resolution #190/2016)
Sketch plan

cc: Peace River Regional District (File: 074/2016)

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AGRICULTURAL LAND COMMISSION FILE 55174

REASONS FOR DECISION OF THE NORTH PANEL

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

Applicants:

**Sandra Cushway
Chris Cushway
(the “Applicants”)**

Agent:

**Sandra Cushway
(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: 006-466-249

THE SOUTH WEST 1/4 OF SECTION 30, TOWNSHIP 83, RANGE 17, WEST OF THE 6TH MERIDIAN, PEACE RIVER DISTRICT, EXCEPT PARCEL A (7827M) AND EXCEPT PLANS B4144, 3083, 5811, 16773, 17331, 17711, 18162 AND PGP40460 (the "Property")

[2] The Property is 51.6 ha in area.

[3] The Property has the civic address 5730 Baldonnel Road.

[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 continue to operate an independent school called Freedom Thinkers 'where learning is done through project-based learning and children are able to experience and learn about agricultural activities like animal health care, gardening, composting, greenhouse growing, and the life cycles of animals' (the "Proposal"). The Proposal along with supporting documentation is collectively (the "Application").

RELEVANT STATUTORY PROVISIONS

[7] The Application was made pursuant to s. 21(2) 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. Agricultural capability map, ALR context map and satellite imagery

SITE VISIT

[11] 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

[12] 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 ratings identified on CLI map sheet 94A/02 for the mapping units encompassing the Property are Class 2; more specifically 100% 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)

[13] The Panel reviewed the CLI ratings and find that the Property has excellent agricultural capability.

[14] The Panel notes the current agricultural activity that takes place on the Property includes 20 ha of hay crop, 16 ha of field grazing and 17 horses. The remainder of the Property consists of bush and bush grazing.

[15] Regarding the impact of the Proposal to agriculture, Peace River Regional District (the "PRRD") Staff provided the following comments: *"The proposal will have no impact on the agricultural productivity of this parcel as the school is already in existence and does not interfere with the ongoing agricultural practices...Additionally, as the school focuses on*

agricultural projects, it will support agriculture long term by teaching future generations about the importance of agriculture”.

[16] The Panel notes the activities/projects which the school currently runs, including: a mini mushroom farm, plant experiments on the effects of agriculture from oil, gas and diesel spills, hydroponic growing systems, aquaponic growing system, beehives, greenhouse growing, seed experiments, gardening, animal health care, lifecycles of tadpoles comparing them in their natural environment to captivity, a study and experiment on the best watering system for northern greenhouses, a study on the ways to safely clean up dugouts and 3 worm composting stations. The school has future plans to building a larger hydroponic system, “seed to plate” unit, designing a root cellar, planting spruce and pines.

[17] The Panel notes that the Property is currently used for agriculture and that the proposed non-farm use is related to agriculture, comprising an area of 0.2 ha.

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

The Applicant stated the following purpose of the Proposal relative to economic, cultural and social values: *“Freedom Thinkers Education PBL Society is a non-profit educational facility that focuses on project-based learning with a particular emphasis on agriculture. It educates children from grades 4-9 and children don’t just learn about agriculture through “schooling” like in most public schools but they learn by “doing” at our facility. I grew up on a working cattle ranch and love agriculture and farming; sadly, I have seen a huge decline in our young people’s interest in this career. I believe there are many factors to this but one being that children are not developing the love of farming and agriculture like we did because they don’t have the opportunity to do so...”*

...It supports it [agriculture] short term as children learn about agriculture; it supports it long term because these children will grow up and teach their children what they have learned...

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

[18] The Property is designated 'Agriculture' within the PRRD North Peace Fringe Area Official Community Plan Bylaw ("OCP") No.1870, (2009). PRRD Staff provided the following comment: *"Within this designation, the principle use of the land is generally limited to uses required for operating a farm or businesses which are directly compatible or complementary to the agricultural industry. Although the school focuses on agricultural projects, the use in question is a school, which is not an agricultural use. Therefore, this proposal is not consistent with the OCP. Should this application be approved by the ALC, an OCP amendment application will be required"*.

[19] The Property is zoned A-2 (Large Agricultural Holdings Zone) within the PRRD Zoning Bylaw No. 1343, (2001). PRRD Staff provided the following comment: *"A school is not allowed in this zone. Therefore, this proposal is not consistent with zoning. Should this application be approved by the ALC, a zoning amendment application will be required"*.

Weighing the factors in priority

[20] In considering s 4.3 (a) and the first priority to agriculture, the Panel believes that the Proposal poses a minimal impact to agricultural land. The Panel notes that the non-farm use area is small, comprising 0.2 ha and located in the existing residential/farm buildings. In reviewing the agricultural activities which the educational facility provides, the Panel believes that the Proposal provides an overall positive benefit to agriculture.

[21] In considering s 4.3 (b) the Panel believes that the proposed educational facility provides a positive social, cultural and economic benefit by offering a unique opportunity for children to learn about agriculture in a hands-on educational setting.

[22] The Panel notes that while the non-farm use Proposal is not currently consistent with community and regional planning objectives, the applicant may apply for an OCP and zoning amendment.



DECISION

[23] For the reasons given above, the Panel approves the Proposal to continue to operate an independent school called Freedom Thinkers.

[24] The Proposal is approved subject to the following condition:

- a. Approval for non-farm use is granted for the sole benefit of the Applicants and is non-transferable.

[25] 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.

[26] Panel Chair **Dave Merz** concurs with the decision.

Commissioner **Sandra Busche** concurs with the decision.

Commissioner **Garry Scott** concurs with the decision.

[27] Decision recorded as Resolution #190/2016.

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 #190/2016. The decision is effective upon release.



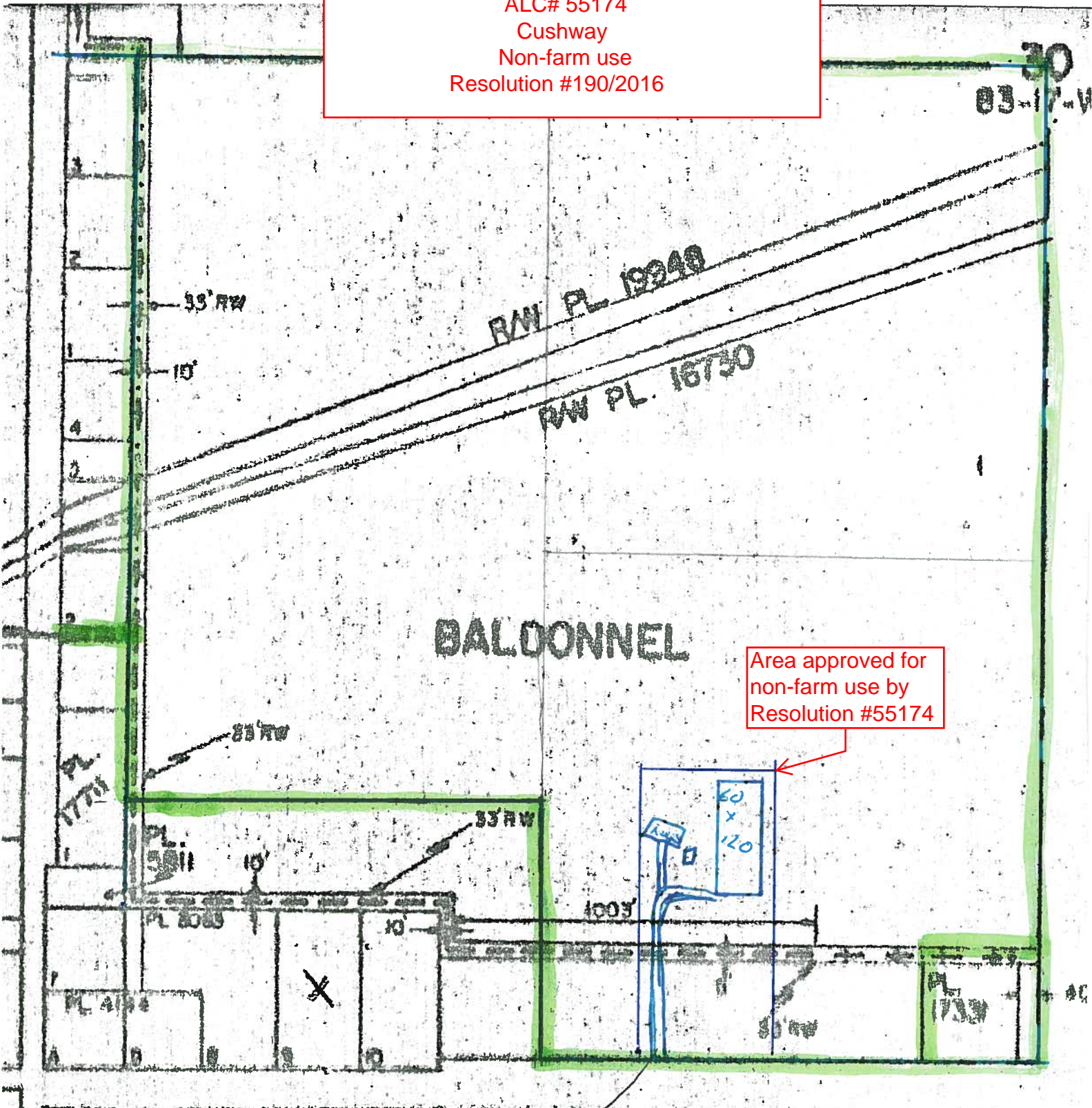
A handwritten signature in black ink, appearing to be 'CJF'.

Colin J. Fry, Director of Policy and Planning

June 7, 2016

Date Released

ALC# 55174
Cushway
Non-farm use
Resolution #190/2016



Area approved for non-farm use by Resolution #55174

- part drawn in blue is piece requested to be used as non-farm use

- outside of property highlighted in green