



REGIONAL DISTRICT OF BULKLEY-NECHAKO
PLANNING DEPARTMENT REFERRAL REPORT
FILE No. RZ A-03-23

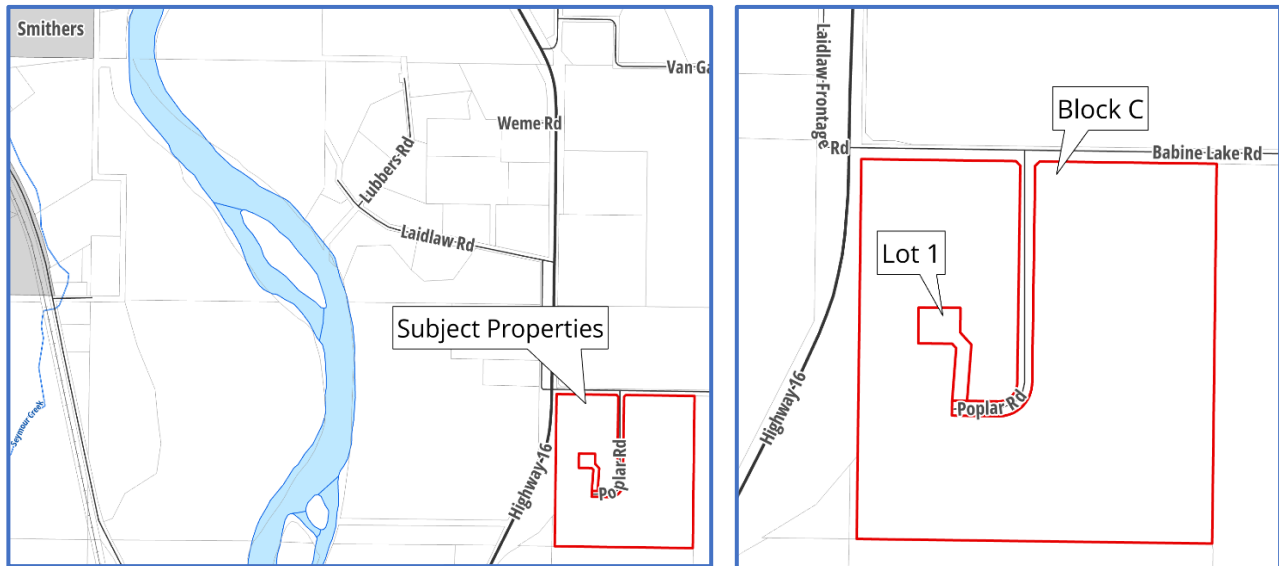
APPLICATION SUMMARY

Name of Agent/Owner:	Jeremy Penninga, Hendrik Penninga, and Ann Penninga
Electoral Area:	Electoral Area A (Smithers / Telkwa Rural)
Subject Properties:	Block C, Section 16, Township, 4, Range 5, Coast District, Plan 6397, Except Plans 8749 and PRP47360 Lot 1, Section 16, Township 4, Range 5, Coast District, Plan PRP47360
Property Size:	Block C: ±23 ha. (57 Acres) Lot 1: 0.4 ha.
Application Area:	5 ha. (12.5 ac.)
OCP Designation:	Agriculture (AG) in the Smithers / Telkwa Rural Official Community Plan Bylaw No. 1704, 2014 (the OCP)
Zoning:	Block C: Agriculture (Ag1) and Civic/Institutional (P1) pursuant to "Regional District of Bulkley-Nechako Zoning Bylaw No. 1800, 2020" (the Zoning Bylaw) Lot 1: Civic/Institutional (P1)
Existing Land Use:	Agricultural, Residential
Location:	The subject properties are located at the corner of Highway 16 and Babine Lake Road approx. 4 km from the Town of Smithers. The Addresses range from 3336 to 3500 Poplar Road.

Proposal

The two subject properties contain a total of 21 Dwelling Units in 15 buildings. Block C contains 18 Dwelling Units and Lot 1 contains three Dwelling Units. ALC Non-Farm Use Application 1226, to allow the unauthorized dwellings was considered by the RDBN Board and forwarded to the ALC in May 2021 with a recommendation that the ALC support the application. The Agricultural Land Commission (ALC) released its decision on February 27, 2023 which determined that four dwellings on Block C could be considered legal non-

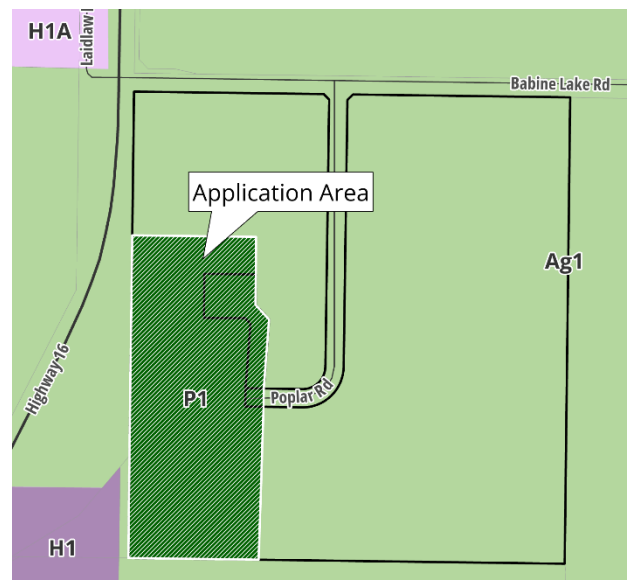
conforming, and the 3-plex on Lot 1 may potentially be converted to a residential use in accordance with ALC regulations.



The location of the dwellings is shown on the map attached to the ALC decision letter. The ALC indicated that it would delay enforcement action until February 27, 2025 to allow the occupants of the dwellings time to transition to new housing. The ALC Northern Panel encouraged the property owner to work with the RDBN and the ALC to develop a compliance plan.

The property owner subsequently requested that the RDBN consider making an application to the ALC to exclude Lot 1 and the area of Block C zoned P1 from the Agricultural Land Reserve (ALR). A letter from the property owner making this request is attached. The RDBN Board responded to this request by directing the following:

1. That the property owners make an OCP amendment and rezoning application to legalize the residential dwellings on the subject properties.
2. And, that staff report back to the Board with direction regarding submission of an ALC exclusion application if bylaws amending the OCP and Zoning Bylaw to legalize the residential dwellings are supported at 3rd reading.



The applicant is proposing to change the OCP designation and rezone Lot 1 and the area of Block C zoned P1 to accommodate the dwellings. This area contains the 21 dwellings and is approximately 5 ha. (12.5 ac.) in size. This area is shown on the adjacent map.

The applicant is also proposing to undertake a property line adjustment to create two new parcels. One parcel will include the 5 ha. area of Block C and Lot 1 which are zoned P1 and are the subject of this application. The second parcel will include the remainder of the land used for agriculture and is intended to remain in the ALR.

DISCUSSION:

Official Community Plan and Zoning Considerations

The OCP and Zoning Bylaw do not accommodate this level of residential density in the rural area. Therefore, a custom OCP designation and zoning must be created for the application. The details of the proposed bylaw amendments will be confirmed with the applicant following this referral process and consideration of the input provided.

In staff's opinion the most acceptable OCP amendment option may be to apply to designate the lands as Rural Residential (RR) and add policy to that OCP allowing the increased residential density only on the subject property.

The existing **Agriculture (AG)** designation in the OCP has been applied to the areas that are most suitable for agricultural activities with the intent to protect and preserve farm land and soil having agricultural capacity, and facilitate the appropriate utilization of that land for agricultural purposes. The OCP's objectives for lands designated AG are as follows:

- (1) To protect and preserve farm land and soil having agricultural capability.
- (2) To encourage the expansion and full utilization of land for agricultural purposes.
- (3) To support the objectives of the Provincial Agricultural Land Commission.
- (4) To encourage a diversity of agricultural uses and opportunities, as well as innovative agricultural practices.

The proposed **Rural Residential (RR)** designation in the OCP is intended to provide opportunities for people to live in a rural setting while protecting and preserving the rural character of the area. The OCP's objectives for lands designated RR are as follows:

- (1) To provide opportunities for residential lots that fit the existing rural character of the Plan area.

- (2) To support opportunities for affordable housing, rental housing and special needs housing.
- (3) To ensure future development does not have a significant negative impact on the natural environment.
- (4) To protect and enhance the quality of life associated with existing and new rural residential development.
- (5) To avoid rural sprawl and allow appropriate and limited infill development.
- (6) To take advantage of opportunities for new housing forms (such as bare land stratas) that fit the character of rural areas to allow rural residents greater opportunity to age in place, take advantage of the benefits of communal living, and allow for increased protection of the natural environment.

In staff's opinion the zoning bylaw amendment option most palatable may be to rezone the application area to Multiple Family Residential (R2) and amend that zone to accommodate the proposed development. The below addition to the density section of the R2 Zone may accommodate the proposed development.

Section 6.0.2. Density

3. *The maximum number of Dwelling Units permitted is one Dwelling Unit per 2400 square metres only on the subject property.*

Development and Ownership History:

The use and development history of the subject properties is outlined below.

1937 – 1965	Federal Experimental Farm
1970 – 1984	Province of BC - Northern Training Centre Group Home
1984 - 1999	Province of BC - Residential Attendance Program Group Home
1994	Smithers Community Services gains ownership from the Provincial Government
2001	The property was subdivided into Block C and Lot 1. Smithers Community Services retained ownership of Block C. Lot 1 was acquired by the Child Development Centre for their use. It appears that 2 buildings on Block C were converted into 2 unauthorized dwellings (3336 and 3363 Poplar Road) prior to 2004.
2004	Block C was purchased by the applicant from Smithers Community Services.

It appears that 6 buildings on Block C were converted into 8 unauthorized dwellings (3340, 3336, 3363, 3435 and 3348 Poplar Road) after 2004.

Also, four new unauthorized single-family dwellings were constructed.

2017 Lot 1 was purchased by the applicant from the Child Development Centre.

It appears that the Child Development Centre office building was converted into 3 unauthorized dwellings (3350 Poplar Road) after 2004.

Land Use Considerations

The level of residential density that exists on the subject property is unique, and new development at this density is not currently supported in the rural area. This form of housing functions best for occupants when located within municipal boundaries near urban services. Accommodating this form of housing in the rural area facilitates rural growth over municipal growth, which is not sustainable. This density of rural housing creates taxation inequity for municipalities as rural residents rely on urban services which they do not fully support through taxation. This rural housing density also changes the character of the rural area and can create long term servicing issues when the sewer or water systems are not adequately maintained. It also increases the demand for regulation in the rural area which can not be efficiently and effectively provided.

This application would have no chance of being supported by Planning Department staff if it was not already in existence, in part because of a unique property history. In this situation, the cost of removing the illegal housing may outweigh the benefits to agriculture and character of the rural area.

Building Code, and Sewer and Water

Should this application proceed, staff can be expected to recommend that the applicant be required to hire an engineer to review and report on the work necessary to bring each building into compliance with the BC Building Code. Staff can also be expected to recommend that the applicant be required to hire an engineer to review and report on the work necessary to bring the sewer and water system into compliance with the applicable provincial regulations.

Staff's preference is that this work be undertaken prior to the public hearing. The applicant has requested that the work occur between steps 5 and 6 below following a Public Hearing and 3rd reading (if approved), and following ALC exclusion (if approved). Staff are considering this request.

The applicant is considering offering to register a covenant on title prohibiting the subdivision of the proposed 5 ha. parcel, and maintaining a financial reserve for future repair and maintenance of the sewer and water systems.

TENTATIVE APPROVAL PROCESS

(assuming necessary approvals received to move process forward)

1. Board consideration of 1st and 2nd Readings
2. Engineer's reports on buildings, and sewer and water systems (timing under discussion)
3. Public Hearing and Board consideration of 3rd Reading
4. Board consideration of ALC Removal application
5. ALC exclusion application
6. Subdivision of parcel and building, sewer and water upgrade as necessary
7. Board consideration of Bylaw Adoption

It is noted that the applicant may incur timing challenges associated with the RDBN's requirement to adopt a bylaw within 2 years of 1st reading. There may also be challenges associated with obtaining ALC approval for exclusion prior to the ALC's February 27, 2025 enforcement deadline.

Referral

This application is being referred to the Electoral Area A Advisory Planning Commission, the Town of Smithers, the Office of the Wet'suwet'en, the Witset First Nation, the Ministry of Transportation and Infrastructure, the RDBN Agriculture Coordinator, the Ministry of Agriculture District Agrologist, and Northern Health.

ATTACHED

Reasons for Decision - ALC Application 61685, February 27, 2023
ALR exclusion request letter, 2022

Reasons for
Decision - ALC
Application 61685,
February 27, 2023



Agricultural Land Commission
201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

February 27, 2023

ALC File: 61685

Jeremy Penninga
DELIVERED ELECTRONICALLY

Dear Jeremy Penninga:

Re: Reasons for Decision - ALC Application 61685

Please find attached the Reasons for Decision of the North Panel for the above noted application (Resolution #66/2023). As agent, it is your responsibility to notify the applicants accordingly.

Please note that the submission of a \$150 administrative fee may be required for the administration, processing, preparation, review, execution, filing or registration of documents required as a condition of the attached Decision in accordance with s. 11(2)(b) of the ALR General Regulation.

Under section 33.1 of the *Agricultural Land Commission Act* ("ALCA"), the Chair of the Agricultural Land Commission (the "Commission") has 60 days to review this decision and determine if it should be reconsidered by the Executive Committee in accordance with the ALCA. You will be notified in writing if the Chair directs the reconsideration of this decision. The Commission therefore advises that you consider this 60 day review period prior to acting upon this decision.

Under section 33 of the *Agricultural Land Commission Act*, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. A request to reconsider must now meet the following criteria:

- No previous request by an affected person has been made, and
- The request provides either:
 - Evidence that was not available at the time of the original decision that has become available, and that could not have been available at the time of the original decision had the person affected by the decision exercised due diligence, or
 - Evidence that all or part of the original decision was based on information that was in error or was false.

The time limit for requesting reconsideration of a decision is one year from the date of the decision's release, as per [ALC Policy P-08: Request for Reconsideration](#).

Please refer to the ALC's [Information Bulletin 08 – Request for Reconsideration](#) for more information.

Please direct further correspondence with respect to this application to
ALC.North@gov.bc.ca

Yours truly,

A handwritten signature in cursive script that reads "Kirsten Roberts".

Kirsten Roberts, Land Use Planner

Enclosures: Reasons for Decision (Resolution #66/2023)
 Schedule A: List of Residences on Property 1 and Property 2
 Schedule B: Residences Map
 Schedule C: Decision Map

cc: Regional District of Bulkley-Nechako (File ALR 1226) - Attention: Deneve
Vanderwolf

61685d1



**AGRICULTURAL LAND COMMISSION FILE 61685
REASONS FOR DECISION OF THE NORTH PANEL**

Non-Adhering Residential Use Application Submitted Under s.20.1(2) of the Agricultural
Land Commission Act

Applicants: Jeremy Penninga
Hendrik Penninga
Ann Penninga
Snowball Enterprises Inc.

Agent: Jeremy Penninga

Properties: **Property 1**
Parcel Identifier: 009-943-480
Legal Description: Block C Plan PRP6397
Section 16 Township 4 Range 5 Land District 14
Except Plan 8749 & PRP47360
Civic: 3350 Poplar Road, Smithers, BC
Area: 23.1 ha (entirely within the ALR)
Owners: Jeremy Penninga, Hendrik Penninga,
Ann Penninga

Property 2
Parcel Identifier: 025-208-934



Legal Description: Lot 1 Plan PRP47360
Section 16 Township 4 Range 5 Land District 14
Civic: 3350 Poplar Road, Smithers, BC
Area: 0.4 ha (entirely within the ALR)
Owner: Snowball Enterprises Inc

Panel:

Janice Tapp, North Panel Chair
Andrew Adams
Karen McKean

OVERVIEW

[1] The Property is located within the Agricultural Land Reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* ("ALCA").

[2] Property 1 contains 18 residences and Property 2 contains 3 residences. Some of the structures were:

- constructed and used for residential purposes related to a federal experimental farm prior to establishment of the ALR (December 21, 1972);
- constructed as non-residential buildings related to a federal experimental farm prior to establishment of the ALR and converted to residential use;
- approved by the ALC for a different non-farm use and then later converted to residential use; or
- newly constructed in or after 2014.

[3] The Applicants are applying to the Agricultural Land Commission (the "Commission" or "ALC") under s. 20.1(2) of the ALCA to retain the unauthorized residences on the Properties (the "Proposal"). A list of the residences are outlined in Table 1 of Schedule A.

[4] The Application submitted to the Regional District of Bulkley-Nechako ("RDBN") included a request to adjust the parcel boundaries between Property 1 and Property 2. The RDBN forwarded the Application with a resolution relating to the non-adhering residential use portion of the application only. For this reason, the Panel confirmed with the Agent that the ALC is only considering the Non-Adhering Residential Use (NARU) under Application 61685.

[5] The Proposal was considered in the context of the purposes and priorities of the Commission set out in s. 6 of the ALCA:

6 (1) The following are the purposes of the commission:

- (a) to preserve the agricultural land reserve;
- (b) to encourage farming of land within the agricultural land reserve 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 land within the agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.

(2) The commission, to fulfill its purposes under subsection (1), must give priority to protecting and enhancing all of the following in exercising its powers and performing its duties under this Act:

- (a) the size, integrity and continuity of the land base of the agricultural land reserve;
- (b) the use of the agricultural land reserve for farm use.

EVIDENTIARY RECORD

[6] The Proposal, along with related documentation from the Applicants, Agent, local government, third parties, and Commission is collectively referred to as the "Application". All documentation in the Application was disclosed to the Agent in advance of this decision.

BACKGROUND

Property History

[7] Properties 1 and 2 were originally one parent Property owned by the Crown (the "parent property").

[8] The Properties have a long history of various uses pre and post-establishment of the ALR. Although the background of the Properties is lengthy, the history of the Properties' ownership and specific uses have a significant bearing on the Panel's considerations, and whether some of the uses are consistent with the ALCA and previous decisions of the Commission.

Pre-establishment of the ALR

[9] From 1937 to 1965, the parent property was an Experimental Laboratory for the federal Agricultural Ministry.

[10] From 1970 to 1984, the parent property remained federally owned but was leased to the Smithers Community Services Association ("SCSA") who used it as a residential and vocational training camp for local people with disabilities.

Post-establishment of the ALR

[11] From 1984 until 1994, a Residential Attendance Program ("RAP") for young offenders operated out of the main building on the Property. As the property was still federally-owned, it did not require ALC approval for the non-farm use.

[12] In 1994, the Property was sold to SCSA (i.e. no longer federally owned), who submitted ALC Application 28397, to use a portion of the parent property as a RAP

for young offenders. The Commission conditionally approved the application by Resolution #92/1994. The conditions included no expansion beyond the area already debilitated, and the Commission advised that it would not look favourably upon any future subdivision request. The Commission also encouraged further agricultural development of the land as funding permits.

[13] In 1998, SCSA submitted a request for reconsideration to expand the Residential Attendance Program for young offenders to include a youth training centre in the form of a pioneer village tourist attraction. The Commission refused this application by Resolution #677/98 citing in part, that Commission felt that the proposal “would not be an appropriate use on land, with good agricultural capability, which has potential for agricultural development”, and referenced comments from the local government that “the primary use of the property should remain agricultural”.

[14] In 1999, the Child Development Centre moved into the Properties until 2001 and provided support for children with special needs. The parent Property was still owned by SCSA during this period.

[15] In 1999, SCSA submitted Application 32559 to subdivide a 0.3 ha lot containing an institutional building. The application was initially refused by Resolution #312/1999 but later approved by Resolution #622/1999. In Resolution #622/1999, the Commission requested that the applicant try to sell the remaining 23.2 ha of agricultural land to an adjacent farmer so it could be use for agricultural purposes.

[16] The approved subdivision under Resolution #622/199 created the current configuration of Property 1 (23.1 ha) and Property 2 (0.4 ha). Subsequently, in 2001, Property 2 was sold to the Bulkley Valley Child Development Centre Society.

[17] In 2003, the Commission reviewed a request to allow the adjacent dairy farmer to consolidate a 18.2 ha portion of the 23.2 ha Property 1 into his dairy farm, rather than the entire 23.2 ha. The Commission approved subdivision and consolidation of ~18.2 ha of Property to be transferred and consolidated with the adjacent dairy farm subject to conditions by Resolution #222/2003. The consolidation was never completed.

[18] In 2004, Property 1 was purchased by the current landowners: Jeremy Penninga, Hendrik Penninga, and Ann Penninga. In 2017, Property 2 was purchased by its current landowner: Snowball Enterprises Inc.

[19] There is a driveway on Property 2 which provides access to all residences on Property 1. There are six driveways on Property 1 with a total area of ~1 ha. Approximately half of the driveways are paved (totalling 1,858 m²) and the remainder are graveled. ~300 m³ of fill was added to Property 1 to build the driveways at a depth of 15.2 cm. An additional ~800 m² of road crush was added to driveways on the Properties in 2016.

[20] The certificates of title for Property 1 and Property 2 both included the ALR legal notation advising that the title may be affected by the ALCA.

[21] On September 8, 2020, the ALC received a complaint regarding multiple agricultural buildings that have been converted into residences.

Legislative Background

[22] Prior to February 22, 2019, section 18 of the ALCA (in effect at the time) provided local governments with the discretion to allow more than one residence on an ALR

parcel if the additional residence(s) were necessary for a farm use. The local government also had the option to waive its discretion and require the landowner to make an application to the ALC for a non-farm use for an additional residence(s).

[23] The Applicants purchased the Properties in 2004 and 2017 during which time the local government or ALC were required to approve conversion of structures to additional residences or construct new additional residences. The Applicants did not seek authorization from either the RDBN or the ALC, which the Applicants acknowledge in the Application. The Applicants subsequently submitted the Application to the RDBN on November 30, 2020 and the Application was forwarded to the ALC on May 28, 2021.

[24] In December 2018, the [Revitalizing the Agricultural Land Reserve and the Agricultural Land Commission: Final Committee Report to the Minister of Agriculture](#) was published (the "Revitalization Report"). The Revitalization Committee consulted with local governments, the public, agricultural specialists, and industry groups to identify a number of issues regarding residential proliferation in the ALR in the Revitalization Report, including: increasing farm land prices that arise from speculation of non-farm uses that impact the ability of farmers to expand their farm businesses; making farm land unaffordable for new entrant farmers to purchase; residential infrastructure (lawns, driveways, recreational infrastructure, etc) using or alienating areas of ALR land and rendering them un-farmable. The Revitalization Report made a number of recommendations, including establishing an "agriculture first" criteria for all decisions involving the ALR, limiting the size of primary residences in the ALR, giving the Commission decision-making authority for any primary residence application over the provincial maximum. The Revitalization Committee noted community support for limiting additional residences to those directly involved in agricultural production.

[25] On February 22, 2019 Bill 52 amended the ALCA to limit the size and number of residences on an ALR parcel in order to curb non-farm development and residential speculation so that farm land remains affordable for future farmers. Bill 52 also amended the ALC to empower only the ALC to approve additional residences if they are necessary for a farm use.

[26] Bill 52 introduced section 25(1.1) which established a new application type for non-adhering residential uses for residential uses that exceed what is permitted outright in the ALCA and its regulations. Section 25(1.1)(b) of the ALCA is applicable to the current application as it states that in making a determination with respect to a non-adhering residential use application, the Commission must not grant permission for an additional residence unless the additional residence is necessary for a farm use.

[27] Although the Applicants converted or constructed additional residences prior to Bill 52, the Application was submitted after February 22, 2019 and amendment of the ALCA. Even if the Applicants had sought authorization from the RDBN prior to Bill 52 pursuant to section 18 of the ALCA in effect at the time, the RDBN would have to consider whether the additional residence(s) were necessary for a farm use. Had an application been made to the ALC before 2019, the Commission would have considered whether the application aligned with the purposes of the Commission, which include preserving agricultural land and encouraging farming on agricultural land in collaboration with other communities of interest. This would have required consideration of whether the additional residences were necessary for a farm use. While the Commission may have had more discretion to approve additional residences in the ALR prior to February 2019, discretion to approve a use does not mean that a use is permitted – a landowner must apply for authorization. The

Applicants did not apply for authorization from either the RDBN or the Commission prior to constructing the additional residences, and so the additional residences were unauthorized. The Panel must consider the Application within the context of the current legislative context including section 25(1.1)(b) of the ALCA and will not speculate about how the Commission would have assessed the Application had it been made prior to February 2019.

[28] Given the long history of residential uses on the Property, the Panel must also consider that section 23(2) of the ALCA may also permit non-farm uses which pre-date the creation of the ALC in their current form and use, and that use has not been modified or discontinued for a period of 6 months or more. For clarification, additional residences were considered a 'non-farm use' application type prior to Bill 52.

[29] In light of the above legislative context and the Properties' history, the Panel considered two issues:

1. Whether any of the additional residences are necessary for a farm use per section 25(1.1)(b) of the ALCA; and
2. Whether any of the additional residences are permitted to remain on the Properties in accordance with section 23(2) of the ALCA.

ANALYSIS AND FINDINGS

Issue 1: Whether additional residences are necessary for a farm use

[30] Currently there are 21 residences on the Properties with a total of 34 residents. All residences are currently rented to tenants on a monthly basis, and there are no

strata or leases related to any of the residences or buildings. Property 1 has an engineered community sewer and water system designed for 54 residents.

[31] The Panel would like to take the opportunity to address comments made in the RDBN staff report to ensure that the parties are clear on the Commission's governing statute and constraints. The RDBN staff stated that the proposed residential uses are inconsistent with the OCP and zoning designations. However, the RDBN staff recommended that the ALC authorize the residences, as they believe that the practical impact on agriculture resulting from the authorization of these dwellings is not notable given the historical use and extensive development on the Properties. On June 3, 2021, the RDBN Board then resolved to forward the Application to the Commission with a recommendation for approval although RDBN Staff clarified that this recommendation is not an indication that the Planning Department will support a zoning amendment to legalize the dwellings, as it involves a wider range of considerations.

[32] The Commission is not bound by local government recommendations. The RDBN and the Commission have different mandates and apply different decision-making criteria. The Commission is bound to apply the ALCA in accordance with its mandate, which is to preserve the agricultural land reserve, encourage farming of ALR land, and encourage local governments to enable and accommodate farm use of land within the ALR (ALCA, s. 6(1)). The Commission must give priority to protecting and enhancing the size, integrity, and continuity of the ALR land base and the use of the agricultural land reserve for farm use (ALCA, s. 6(2)). The Commission may not approve additional residences in the ALR unless they are necessary for farm use, while the RDBN may consider a broader range of criteria. The different mandates and criteria applied by local governments and the Commission may lead to different conclusions on the same application.

[33] Section 6 of the ALCA lays out the purposes of the Commission including the requirement for the Commission to give priority to protecting and enhancing all of the following in exercising its powers and performing its duties under the ALCA:

- a. the size, integrity and continuity of the land base of the agricultural land reserve;
- b. and the use of the agricultural land reserve for farm use.

The Panel understands the gravity of the decision before it and does not consider the Application lightly. That said, the Panel must consider the request for additional residences in light of its purposes and priorities to ensure that agricultural land in BC is protected in the long-term.

[34] With respect to non-adhering residential use applications, section 25(1.1)(b) of the ALCA provides further direction to the Commission in what it must consider. Section 25(1.1)(b) of the ALCA states that the Commission must not grant permission for an additional residence unless the additional residence is necessary for a farm use. The Panel therefore first considered broadly whether any of the additional residences are necessary for farm use and could remain on the Properties for that purpose.

[35] The Commission developed ALC Policy L-26: Non-Adhering Residential Use Applications ("Policy L-26"), adopted April 2020, that outlines general guidelines for the Commission's consideration of non-adhering residential use applications which request residential uses in excess of those residential uses permitted by the ALCA. Policy L-26 states that "[i]n considering whether an additional residence is necessary for a farm use, the Commission will assess the scale and intensity of the farm operation. Where an applicant can demonstrate that the scale and intensity of the

farm operation has exceeded the labour capacity of the owner/residents, the Commission may determine that an additional residence would be necessary to support the farm operation”.

[36] As part of its review of the Application, the Panel considered whether the Property is capable of supporting farm uses. To assess agricultural capability on the Properties, the Panel referred to agricultural capability ratings. The ratings are identified using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system. The improved agricultural capability ratings applicable to the Property are Class 3 and Class 4. More specifically, 75% of Property 1 is 3X and 25% of the Property 1 is (80% 3X - 20% 4TP) . Property 2 is 100% 3X.

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

The limiting subclasses associated with these parcels of land are P (stoniness), T (topographic limitations) and X (a combination of soil factors).

[37] Based on the agricultural capability ratings, the Panel finds that the Properties have predominantly prime agricultural capability which can support a wide range of crops, potentially with areas of secondary agricultural capability that is capable of a slightly narrow range of crops. On the whole, the Panel finds that the Properties have potential for producing a range of soil based agricultural commodities.

[38] The Application indicates that Property 1 contains 15 ha of hay that has been leased to a third party, the Vandenberg Dairy farm, for the past 10 years. There is an irrigation pond in the northeast corner of Property 1, as well as drainage ditches along the road and through the field. Property 1 also contains a barn, hay shed, and two machine storage buildings related to agriculture.

[39] Property 2 does not contain any agriculture or agricultural improvements.

[40] The Application submits that all the residences contribute to the working and upkeep on the farm. The Applicants state that one to two horses and a few goats are kept on the Properties, four to six residents use the large vegetable garden, and four residents have garden boxes. The Applicants state that Jeremy Penninga maintains the Properties and the residents maintain their own garden plots. The Application also submitted six letters in support of the application from Property tenants which detail the benefits of living on the Property.

[41] The Panel considered that the Properties are mixed primary and secondary capability and that the Properties supports 15 ha of hay crop and 3 ha of grazing for goats and a horse. The Panel finds that the Properties are capable of being used for agriculture.

[42] The Panel reflected on the history of the Properties as a federal experimental farm and on the previous decisions of the Commission which signalled that further non-farm development of the Property would not be an appropriate use of land with good agricultural capability and that the primary use of the land should remain agricultural. In light of the historical recognition of the Properties' agricultural potential, and the agricultural capability of the Properties, the Panel also finds that the land should be preserved for farm use.

[43] The Panel considered that although there are some agricultural activities taking place, the Panel finds that the number of residences and residents on the Property far exceeds the residential needs to maintain a minimal number of livestock and gardens. For this reason, the Panel finds that the additional residences are not necessary for a farm use.

[44] The Panel finds that retaining the additional non-farm residences on the Properties changes the primary use of the land which is both capable and suitable for agriculture, to residential use. In addition, the proliferation of residential use on farmland utilizes land and buildings that could otherwise be used for agricultural purposes. This makes the land less desirable to future purchasers with an interest in agriculture as the cost of acquiring land with extensive residential infrastructure (and the potential costs of demolishing buildings and remediating the land to an agricultural standard, should the farmer wish to do so to expand the farmable land) may be cost prohibitive to its purchase for farm use.

Issue 2: Whether any of the additional residences are permitted to remain under section 23(2) of the ALCA

[45] Section 23(2) of the ALCA states that the restrictions of use on ALR land do not apply to land that was lawfully used for a non-farm use that was established and carried on continuously for 6 months immediately prior to December 21, 1972. Section 23(3) ALCA clarifies that the exception under section 23(2) only applies to the land that was actually being used for the non-farm use and not to the entire parcel on which that use was being carried out on. Section 23(2) also states that the exemption from the restrictions of use on ALR land no longer applies when “the use is changed, other than to farm use, without the permission of the commission”. In

light of this, the Panel considered whether any of the uses on the Property are consistent with section 23(2) ALCA and may remain on the Property until such time as those uses cease or change.

[46] Given the long history of buildings and uses of the Property, the Panel carefully considered each structure as follows.

[47] In respect of the structures that the Panel has concluded may continue to be used as residences pursuant to section 23(2), the Panel notes the following restrictions on the continuing use of these structures. First, there is no right under section 23(2) to replace or expand a pre-ALR additional residence that is exempted from ALCA restrictions by this section. Second, the exception for a pre-ALR use ends when the use is discontinued for a continuous period of 6 months after March 12, 2020 (ALCA, section 23(2)(a.1)).

Building 1 (RAP Group Lodging/Office Space)

[48] Building 1 is located on Property 2 and was built in 1993 as the RAP Group Lodging and Office Space but was converted into three separate residences in 2017. The Panel makes the distinction between the use for temporary accommodation associated with an approved non-farm use (e.g. RAP Program), and the current uses as a residential structure that is used during all or part of the year, whether fully or partially as a residence set out in s. 1 of the ALCA. The Panel finds that the original use of Building 1 was approved by the ALC by Resolution #92/1994, however the conversion of an approved non-farm use building for temporary group lodging to three residences is not consistent with the Commission's decision in Resolution #92/2014. Under the current legislation, an ALR parcel may have one principal residence up to 500 m² total floor area, and a secondary suite within the principal residence unless prohibited by a local government bylaw. According to the

Application, the collective total floor area of the three units is 464 m². Although the Panel finds that the use is not consistent with section 23(2) ALCA, or previous decisions of the Commission, the Applicants may be able to renovate the structure to meet the criteria for a principal residence and suite within that is consistent with the ALCA and its regulations, the RDBN bylaws, and meets the BC Building Code.

Building 2 (RAP Rental House)

[49] Building 2 was built in 1954 which predates the ALR and that the original use of the building was primarily residential. The Panel is unable to determine whether the use has carried on continuously since that period, however the Panel is prepared to give the benefit of the doubt and consider the residential use to consistent with s.23(2) of the ALCA. For clarification, the Panel is not approving the residential use, but instead finds that its use may continue in accordance with s. 23(2) ALCA. The continuation of the residential use of Building 2 is subject to the restrictions described in paragraph [46], above.

Building 3 (RAP Woodshed)

[50] Building 3 was built in the 1950's as a greenhouse, used later as the RAP woodshed, and converted to residential use around, or after 2004. The Panel finds that the residence is not permitted because the conversion of Building 3 in 2004 from a farm use to a residential use is not consistent with s. 23(2) ALCA, and that the residence is not necessary for a farm use.

Building 4 (RAP Recreation Hall/School)

[51] Building 4 was built in 1949 and renovated in the 1970's and 1980's for use as a school and recreation hall. Building 4 was renovated for residential in 2004. The Panel finds that the residence is not permitted because the conversion of Building 4 from a school and recreational use to a residential use is not consistent with s. 23(2)

ALCA or previous decisions of the Commission, and that the residence is not necessary for a farm use.

Building 5 (Lab and Office)

[52] Building 5 was built in the 1958 as a lab and office to support the federal Experimental Farm, later used as the RAP relocation site, and converted to a residential use in 2004. The Panel finds that the residence is not permitted because the conversion of Building 5 from a lab and office use to a residential use is not consistent with s. 23(2) ALCA or previous decisions of the Commission, and that the residence is not necessary for a farm use.

Building 6 (SCSA Kitchen and Dining Area)

[53] Building 6 was built in 1977 as a Kitchen and Dining area for the SCSA and converted to a residential use sometime after 2004. The Panel finds that the residence is not permitted because the conversion of Building 6 from dining hall uses to residential use is not consistent with s. 23(2) ALCA or previous decisions of the Commission, and the residence is not necessary for a farm use.

Building 7 (Firehall)

[54] Building 7 was built in the 1950's as a firehall to support the Experimental Farm and converted to residential use sometime after 2004. The Panel finds that the residence is not permitted because the conversion of Building 7 from firehall use to residential use is not consistent with s. 23(2) ALCA or previous decisions of the Commission, and the residence is not necessary for a farm use.

Building 8 (Silage Barn)

[55] Building 8 was built in the 1950's as a silage barn as part of the Experimental Farm and converted to a residential use in 2012. Building 8 also had 450 m³ of

topsoil added from the Town of Smithers to create the “Hobbit House.” The Panel finds that the residence is not permitted because the conversion of Building 8 from a farm use for a silage barn to a residential use is not consistent with s. 23(2) ALCA or previous decisions of the Commission, and the residence is not necessary for a farm use.

Building 9, 10, & 13 (Constructed by the Applicants)

[56] Buildings 9 and 10 were constructed as residences by the Applicants in 2014, and Building 13 was built by the Applicants in 2018. An area of 225 m² was filled on Property 1 for Buildings 9, 10, and 13, which were built by the Applicants. At the time of construction, section 18 of the ALCA (in effect at the time) provided local governments with the discretion to allow more than one residence on an ALR parcel if the additional residence(s) were necessary for a farm use. The local government also had the option to waive its discretion and require the landowner to make an application to the ALC for a non-farm use for an additional residence(s). The Applicants did not receive any authorizations or permission from the RDBN or the ALC to construct the residences. The three residences were built contrary to the conditions of Resolution #92/1994, which required that there be no further expansion of the buildings into the area of Buildings 9, 10, and 13 (i.e. beyond the already debilitated area). The Panel finds that the residences were not established as necessary for a farm use at the time of construction, nor does the Panel find them to be necessary for a farm use now.

Building 11 and 12 (SCSA Rental)

[57] The Panel considered that Building 11 was built in 1945 and Building 12 was built in ~1944 and the original use of both buildings was as residences. The Panel is unable to determine whether the use has carried on continuously since that period, however the Panel is prepared to give the benefit of the doubt and permit the

residential use to continue as an exception under s.23(2) of the ALCA. The continuation of the residential use of Building 11 and 12 are subject to the restrictions described in paragraph [46], above.

Building 14 (Granary)

[58] Building 14 was built in the 1954 as a granary as part of the Experimental Farm and converted to a residence in 2009. The Panel finds that the residence is not permitted because the conversion of Building 14 from a farm use for a granary to a residential use is not consistent with s. 23(2) ALCA or previous decisions of the Commission, and the residence is not necessary for a farm use.

Building 15 (SCSA Rental)

[59] The Panel considered that Building 15 was built in 1938, which predates the ALR and that the original use of the building was primarily residential. The Panel is unable to determine whether the use has carried on continuously since that period, however the Panel is prepared to give the benefit of the doubt and permit the residential use to continue as an exception under s.23(2) of the ALCA. The continuation of the residential use of Building 15 is subject to the restrictions described in paragraph [46], above.

Accessory Buildings

[60] The Agent states that there are eleven RV's currently stored on the Properties, nine of which are owned by people who do not reside on the Properties. Commercial use of the accessory buildings does not form part of this non-adhering residential use application and was not considered as part of the RDBN's resolution. Therefore, the Panel is not making a determination on those uses under this Applications. However, commercial storage in the ALR is a non-farm use. The landowner must

either submit a non-farm use application and receive ALC approval to conduct that use, or the use must cease.

Conclusions

[61] The Panel appreciates the significant impact this decision will have on the Applicants and on the occupants of the Properties. The Properties have a long history of non-compliance which have exacerbated the situation. Between 2004 and 2018, the Applicants converted or constructed 21 residences on the Properties without approval from the ALC, or the necessary authorizations or permits from the RDBN. While the Panel understands the Applicants say that they made a mistake, the non-compliance – and the impact of this decision on the occupants – could have been avoided had the Applicants undertaken due diligence to ensure that they understood the statutory restrictions of owning ALR land, zoning bylaws, and the requirements for legal construction of residences. Ultimately, the onus of resolving a significant, long-standing residential non-compliance has been passed from the local government into the hands of the Commission whose mandate is to preserve agricultural land. The Panel does not make this decision lightly as it is acutely aware of the impacts of its decision on the occupants of the Properties. The Panel is not prepared to effectively endorse this long history of non-compliance.

[62] Comments from the Electoral Area A Advisory Planning Commission and RDBN Agricultural Coordinator to the RDBN Board suggested allowing the residences to maintain “rental housing stock” and to provide an overall benefit to the communities of Smithers and Telkwa. The Panel understands that communities have a variety of needs including housing and agriculture; however, the broader housing issues in BC cannot be resolved through ad hoc applications in the ALR. The ALR represents less than ~5% of the province within which agricultural uses are to be prioritized and all other uses are restricted. The proliferation of residential use on farmland makes land

less desirable to future purchasers with an interest in agriculture as the cost of acquiring land with extensive residential infrastructure may be cost prohibitive to its purchase for farm use. Under section 25(1.1) of the ALCA, the Commission in making a determination on a non-adhering residential use application, needs to consider if the additional residences requested are necessary for farm use.

[63] After a review of the evidentiary record before the Panel, the Panel finds that the additional residences are not necessary for a farm use and cannot be approved as directed by section 25(1.1)(b) of the ALCA. However, the Panel finds that several of the residences may remain as they are consistent with section 23(2) of the ALCA which allows the continuation of a use that predated the ALR (December 21, 1972) subject to criteria.

[64] The Panel has determined that while Building 2, 11, 12, and 15 on Property 1 are not necessary for a farm use, they were established prior to December 21, 1972 and can remain as a non-conforming use consistent with section 23(2) of the ALCA. For clarification, the Panel is not approving these residences, but rather is allowing these residences to remain in their concurrent configuration until such time as the use of these structures as a residence is discontinued for a continuous period of 6 months or their use changes as set out in section 23(2). Section 23(2) does not provide the right to replacement, or expansion of an additional residence. A new application would be required to replace or expand Building 2, 11, 12, and 15.

[65] Building 1 is the only residential structure on Property 2 and it has been divided into three separate residences. The Panel finds there is no agricultural justification for three residences on this property and does not approve the three residences within this single residential structure. The Panel encourages the Applicants to consult the RDBN to see if the structure can be renovated to support a single

residential use consistent with the ALCA and its regulations as well as RDBN bylaws.

[66] The Panel finds that Building 3, 4, 5, 6, 7, 8, 9, 10, 13, and 14 on Property 1 did not pre-date the establishment of the ALR, are not necessary for a farm use, and therefore are not approved. The ALC will delay enforcement of this decision for two years following the date of this decision in order to allow the occupants time to transition to new housing. However, this transition period is only for the benefit of the current occupants. Once a current occupant vacates one of the unauthorized residences, no new occupant may move in, even if less than two years have passed from the date of this decision.

DECISION

[67] For the reasons given above, the Panel finds Building 2, 11, 12, and 15 on Property 1 were established prior to December 21, 1972 and can remain as a non-conforming use consistent with section 23(2) of the ALCA. For clarification, the Panel is not approving those residences outright, but rather is allowing these residences to remain in their concurrent configuration until such time as the use of these structures as a residence is discontinued for a continuous period of 6 months or their use changes as set out in section 23(2). Section 23(2) does not provide the right to replacement, or expansion of an additional residences.

[68] Building 3, 4, 5, 6, 7, 8, 9, 10, 13, and 14 on Property 1, and Building 1 on Property 2 are not consistent with section 23(2) of the ALCA, are not necessary for a farm use, and therefore are refused.

[69] Maps of the building locations are shown in Schedules B and C .

[70] The Commission will delay enforcement of the non-compliant residences for a period of two years from the release of this decision (February 27, 2025) to allow the occupants time to transition to new housing. However, this transition period is only for the benefit of the current occupants. The Panel encourages the Applicants to work with the RDBN and ALC to develop a compliance plan.

[71] 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.

[72] These are the unanimous reasons of the Panel.

[73] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(3) of the ALCA.

[74] Resolution #66/2023
Released on February 27, 2023

A handwritten signature in black ink, reading "Janice E. Tapp".

Janice Tapp, Panel Chair
On behalf of the North Panel

**Schedule A: List of Residences on Property 1 and Property 2****Table 1: Residences on Property 1 and Property 2**

Building # on RDBN map	Building	Const. Date	Use on December 21, 1972	Subsequent Use Approved by ALC	Conversion to Residence	Size	ALCA Status	RDBN Building Permit
Property 1								
15	3365 Poplar Road	1938	Residence	SCSA Rental	N/A	145 m ²	Principal Residence as identified by Applicant	N/A
12	3475 Poplar Road	~1944	Residence	SCSA Rental	N/A	82 m ²	Residential Use Pre- dates ALR	N/A
11	3485 Poplar Road	1945	Residence	SCSA Rental	N/A	97 m ²	Residential Use Pre- dates ALR	N/A
4	3336 Poplar Road	1949, renovated 1970 and 1980	Recreation Hall/School	Residential Attendance Program (RAP) School and Rec Hall	Residence #1 pre 2004	139 m ²	Unauthorized Residence	No
					Residence #2 post 2004	139 m ²	Unauthorized Residence	No
7	3348 Poplar Road	~1950's	Firehall	N/A	Post 2004	44 m ²	Unauthorized Residence	No
8	3445 Poplar Road	~1950's	Silage Barn	N/A	2012	74 m ²	Unauthorized Residence	No
3	3340 Poplar Road	~1950's	Potting shed/ Greenhouse	RAP Woodshed	Post 2004	85 m ²	Unauthorized Residence	No
2	3354 Poplar Road	1954	Residence	RAP Rental House	N/A	105 m ²	Residential Use Pre- dates ALR	N/A
14	3500 Poplar Road	1954	Granary	N/A	2009	115 m ²	Unauthorized Residence	No
5		1958			Residence #1 pre 2004	42 m ²	Unauthorized Residence	No



ALC File 61685 Reasons for Decision

	3363 Poplar Road		Lab and Office	RAP Relocation Site	Residence #2 post 2004	42 m ²	Unauthorized Residence	No
					Residence #3 post 2004	42 m ²	Unauthorized Residence	No
					Residence #4 post 2004	42 m ²	Unauthorized Residence	No
6	3435 Poplar Road	1977	N/A (built after 1972)	SCSA Kitchen/Dining	Post 2004	178 m ²	Unauthorized Residence	Yes
9	3460 Poplar Road	2014	N/A (built after 1972)	N/A	Built as a Residence in 2014	58 m ²	Unauthorized Residence	No
10	3468 Poplar Road	2014	N/A (built after 1972)	N/A	Built as a Residence in 2014	58 m ²	Unauthorized Residence	No
13	3358 Poplar Road	2017	N/A (built after 1972)	N/A	Built as a Residence in 2018	35 m ²	Unauthorized Residence	No
Property 2								
1	3350 Poplar Road	1993	N/A (built after 1972)	RAP Group Lodging/ Office Space	Residence #1 2017	223 m ²	Principal Residence	No
					Residence #2 2017	111 m ²	Unauthorized Residence	No
					Residence #3 2017	130 m ²	Unauthorized Residence	No



ALC FILE NO: 61685	RESOLUTION NO: 66/2023
MAP PRODUCED February 22, 2023	
MAP SCALE: 1:3,000	
DATA SOURCES & NOTES: ALC, BCGW & Google Earth. Contains information licensed under Open Government License - British Columbia.	
Map for reference only. Accuracy not guaranteed.	

- Residential Structure
- Subject Properties
- Agricultural Land Reserve
- PMBC Parcel Cadastre





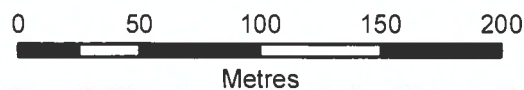
ALC FILE NO.	RESOLUTION NO.
61685	66/2023
MAP PRODUCED	
February 22, 2023	
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guaranteed.	

 Residential Structures which may remain in accordance with Resolution #66/2023

 Subject Properties

 Agricultural Land Reserve

PMBC Parcel Cadastre





ALC FILE NO. 61685
RESOLUTION NO. 66/2023

MAP PRODUCED:
February 22, 2023

MAP SCALE:
1:3,000

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-  Refused Residential Structures
-  Subject Properties
-  Agricultural Land Reserve
- PMBC Parcel Cadastre



ALR Exclusion Request Letter, 2022

Dear Jason and Maria.

First, thank you very much for your help over the past four years with trying to find a way to make my property conform. I have more knowledge about these things than most "Area A" residents, but even I cannot keep up with all the levels of governments and their changes to the laws. I am willing to present my case to the Board in order for them to understand it clearly before they make a decision, if this is needed.

This process started when the OCP for this area was going through the mandatory review process. The RD wanted to take out many of the uses in the P1 zone and so they sent a letter to that effect. I remember a few conversations with Jason and I agreed we needed to find a long-term solution to the current use and the OCP/zoning. I was open and honest and had the planners, building inspectors and anyone who wanted to see the place come and document what was here. I agreed to work with the RDBN and make the changes needed to ensure all was in compliance. We went to the APC and the Board and they agreed to the ALC application for non-adhering residential use (June 3, 2021). I understand that since then the ALC had their legislation changed to not allow more than two residences per property unless the housing was needed by farm workers. If we would have known that we would not have applied for non-adhering residential use. However, the ALC has made it clear that they only want 4 houses (3354, 3365, 3475 and 3485 as well as two units in 3350 to remain as residential units. This would drastically reduce the use of the remaining 15 residential units and seriously harm 14 existing tenants (I would have to move as well since my "kitchen" (3435), which was built in 1977 with permits, can no longer be used).

The best way to proceed would be to have the 10 acres zoned P1 removed from the ALR. This would give the local government the ability to deal directly with me to make this property fit well in the Smithers Rural area. Therefore, I am asking if the RDBN is willing to make this application on my behalf? I am willing to purchase another 10+ acre parcel in the RDBN area that is similar or better (agriculturally) that is not in the ALR and put it in the ALR if my current property can be excluded. You can register this promise on my title to ensure it happens, or make it a condition.

The 10 acres in question is not suitable for agriculture for the following reasons:

1. Historically the federal government established an experimental farm here to see if this was a good farming area (started by leasing in 1923,

bought it in 1937 and ran it for this purpose till 1963). They used this small **10-acre parcel as the hub of the original 300+ acre farm** (that is why so much infrastructure and the majority of the buildings were built here). As far as I can tell, there has never been any real agriculture on this 10-acre parcel except for some pigs in the big barn. See the attached 1957 photo with 19 plus buildings already on this 10-acre piece.

2. The land is full of utility lines: gas lines, underground and overhead power lines, water and sewer lines, storm drain lines and ditches as well as mature trees (lots of important roots) plus all the access roads. Almost all of these were developed from 1938 to 1975. The recent ALC decision allows for at least five residential units to remain and considering the location of these, not much additional agriculture can be developed on the 10-acre parcel. Please see the appended map for the details. It's possible that a few more acres could be kept in the ALR along the South Boundary.
3. It is unknown exactly when the provincial government took over the property, but they continued to develop on this 10-acre piece by adding more buildings (3435, 3350 and added on to 3465) and they improved/engineered a better sewer and water system and increased the electrical power (added 3-phase power). They had permission from the ALC to run a Residential Attendance Program for Young Offenders and to rebuild the main residence (3350, as the original bunk house burnt down. Resolution #092/94, application #21-B-93-28397). At that time there were 54 people living here. Today there are 34.
4. Smithers Community Services continued to operate the property (including renting out 3354, 3363, 3365, 3435, 3475, 3485, 3465 and 3336. They sold off 3350 with 1 acre to the Child Development Centre, which the ALC approved in 1999 (Resolution #622/99)). They ran a community garden, woodworking shop, recording studio, community kitchen, tannery and they stored many old farm machines for the local museum. They developed the 10 acres further and neglected the farm land. As this is a separate title, I propose to move the boundary to make the 10 acres one parcel and the remainder the second parcel. This will allow for the long-term protection of the 50-acre agricultural land.
5. I purchased the property in 2004 and continued with many of the uses while fixing up the buildings and infrastructure and I converted and built additional residences inside the existing footprint. I also paid a farmer thousands of dollars to plow up the fields (the 50 acres zoned AG-1), reseed, fertilize and drain the land so that it could be productive

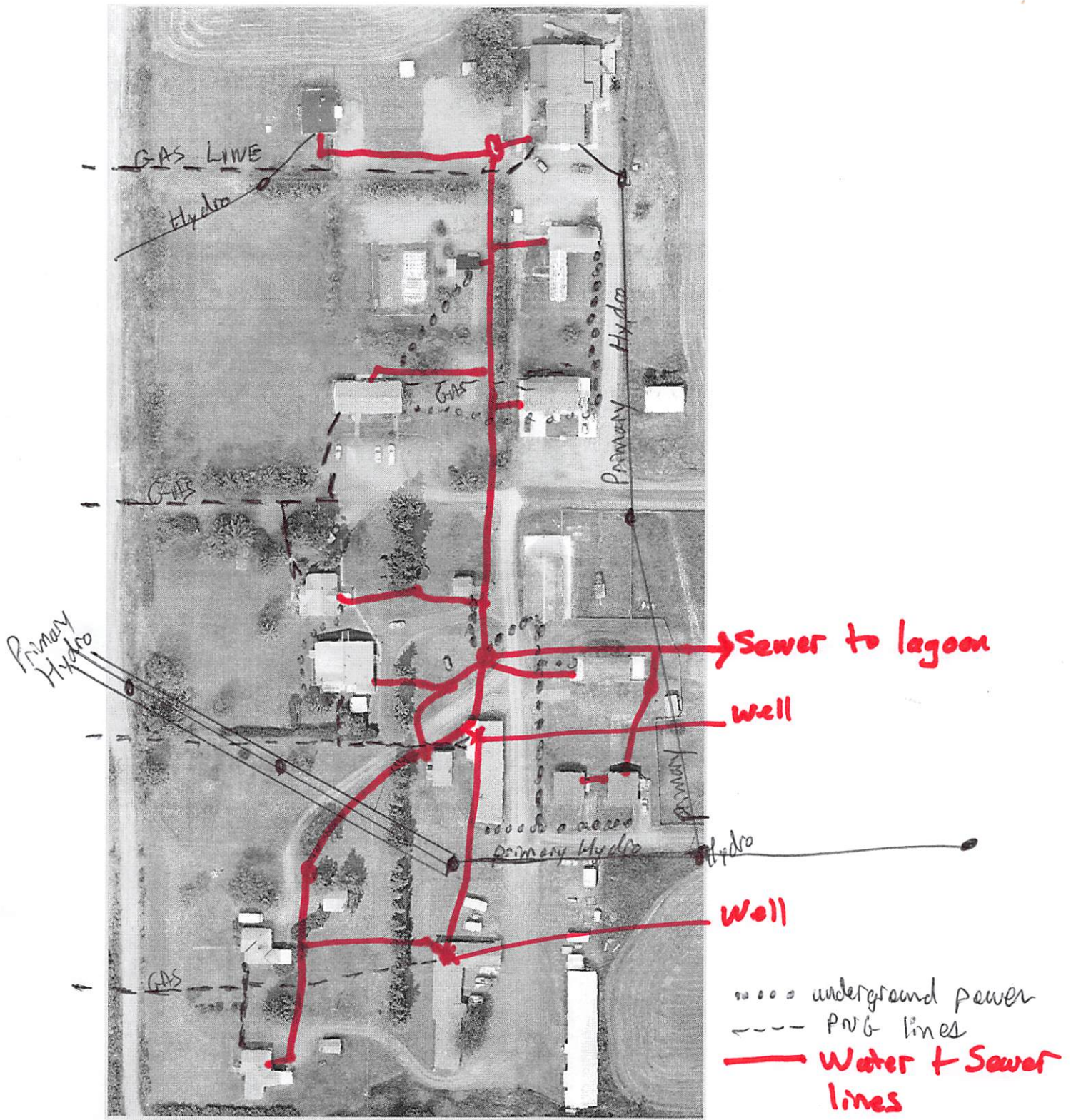
agricultural land. I could afford to develop the land because I could generate income from the 10-acre hub. If the RDBN board agrees with this proposal we could also help many needy local residences by providing much-needed affordable housing, and the increased value adds thousands of dollars in taxes, per year, to all three levels of government.

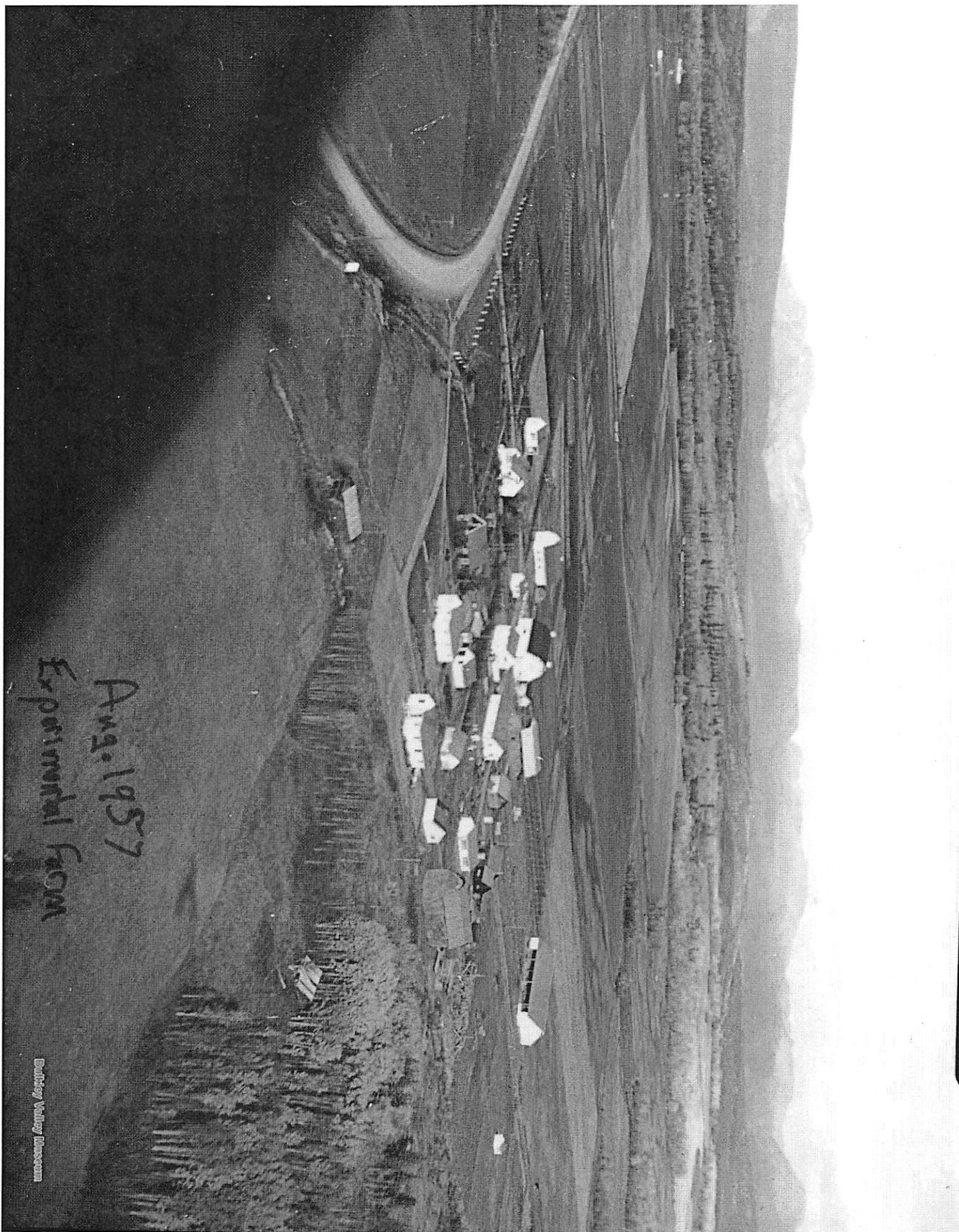
I hope everyone can appreciate that 83% of the land (50 of the 60 acres) has been enhanced for agricultural use over the past 19 years. The 10 acres in question has always been the hub of the "farm" and was never actively farmed. Farms are not what they were when they were originally developed and we can't change this fact. Remember, the government sold off the large pieces of farm land to the north, east and south rather than maintaining the original 300+-acre farm. To destroy or mothball perfectly good buildings and infrastructure (water, sewer, power, roads etc) to get the "virgin" land back into production is not wise or realistic and does not serve the people well. I continue to admit and regret not getting all the necessary approvals in the past. I cannot go backwards and I am promising to do what is necessary going forward. I want to ensure the overall ALR land is not lost and that is why I am willing to add 10+ acres to compensate. Will you help me and all my tenants go forward by removing this parcel from the ALR and allowing the current uses so that this parcel can continue to be a blessing to many and a delightful place to live?

Thank you very much for your help.

Sincerely,

Jeremy Penninga





Aug. 1957
Experimental Farm

FREE

PICTORIAL

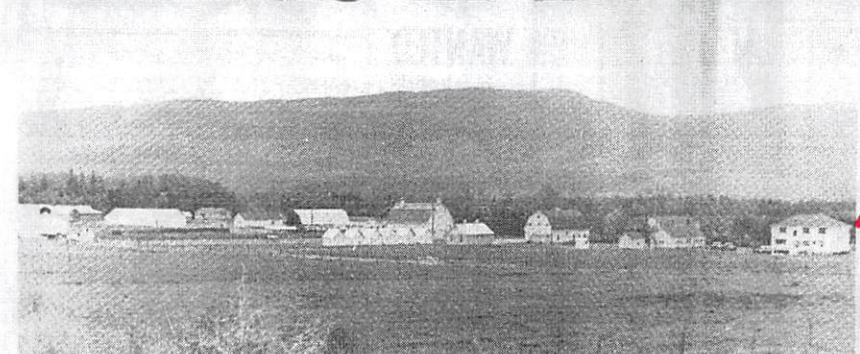
ACTUAL CIRCULATION OF THE
PICTORIAL
LAST WEEK WAS 4452 COPIES

VOL. 2 No. 25

* SMITHERS, BRITISH COLUMBIA, TUESDAY June 20, 1967

TELEPHONE 847-2381

EXPERIMENTAL FARM - WHEELS IN MOTION



An extended effort to gain the Experimental Farm on Highway 16 east of Smithers by the Association of Children of British Columbia has been in the making since last year, according to local president Jim Davidson and B.C. executive director Paul Murphy.

To date, nothing definite has been given the Association by either the provincial or federal governments; however, prospects look good.

Least optimism buds forth from officers of the Association. Murphy told the Pictorial that wheels of government are in motion but no indication has been made available as yet.

One point-of-question that will no doubt be put forth by local residents is the need for an establishment as large as the Experimental farm when there are only eight students presently enrolled at the Happy Valley school in Telkwa. It is the

intention of the Association if successful in obtaining the farm, to bring in children from the whole northern area of B.C. Happy Valley School can only accommodate students up to 18 years of age.

The farm would be used for a Farm Training program as well as a much-needed skill in this province where planting is successful.

Successful farm-training programs have been instituted at Lander where the Association of Extended Children of B.C. have taken over former Department of National Defence property. Students from all over the Fraser Valley attend this training program.

When first approached by the Association, the federal government had stated it was too large a project to simply hand over but did say there was a possibility of turning the farm over to the provincial government, who in turn would negotiate with the Association.

Local associations, Smithers, Houston, Terrace, Prince Rupert, Kitimat, Prince George, Vanderhoof, Fort St. John, Dawson Creek and Quesnel, would all make use of the Experimental Farm if the Association is successful in obtaining it, and would work in close liaison with the school system and the Department of Education.

The decision is now up in the federal and provincial governments.

STABBING IN LOCAL HOTEL

An early morning stabbing in a Smithers hotel room Sunday sent one man to hospital, RCMP said they received a telephone call

around 2:30 a.m. Sunday from a taxi driver saying he had taken a victim to the Bulkley Valley District Hospital.

Two men were taken into custody; however one has been released since.

The alleged victim is still in hospital, with superficial wounds to the right shoulder. Dave Lemasters, taxi driver, told the Pictorial a man came over to the taxi stand at 2:20 a.m. Sunday and said that he had been stabbed. The police were telephoned and RCMP officers arrived. The stranger told him "buddies" of his from Alberta had stabbed him and took his car.

Lemasters took the description of the car the victim told him was his and again telephoned it to the RCMP.

RCMP would not release the name of either the victim or the suspect presently held.

ing in Smithers another year.

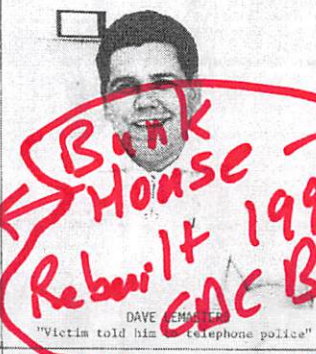
This is a startling situation except for one thing. Dianne is a volunteer.

A good example of Dianne's work could be seen out at Moricetown three weeks ago when the "Beauty Contest" was in progress. This young lady was one of the organizers behind this contest and it was a pleasure to see her in action. The pleasure mainly was seeing the enjoyment she obtained working with these kids.

Dianne holds a home nursing course out at Moricetown one day a week in conjunction with the Adult Branch of the Department of Education.

When asked what she thought of Smithers, her remarks were "I love it!"

We salute your "Personality of the Week," Miss Dianne Corrigan, R.N.



PERSONALITY of the WEEK



DIANNE CORRIGAN, R.N.

Dianne Corrigan has been in Smithers since September of last year employed as the School Nurse for St. Joseph's School and now plans on staying in Smithers another year.

PSST....

Here's a dilly for the record and a'help us it's true! Local lady hears (hope she meant "reads") of Joe Watson being drafted to Philadelphia. Local lady says to local husband: "Isn't it too bad, local husband, that Joe Watson was drafted?" Local husband told local wife he couldn't see what was really too bad about it other than the fact that Joe was looking forward to playing with Boston.

"But," says local lady "they would send him to Vietnam." Local lady says to local husband: "You gotta be the most jaaaa."

A few things were learned at the Moricetown-Smithers ball game last Thursday eve—Number one was that a young fellow on the Smithers team certainly has a temper. Sure hope he gets rid of it before he goes on in years. Number two was that Moricetown fans are an enthusiastic bunch, and number three was that Moricetown certainly has business-

mind people. At 25¢ a shot for a bottle of pop, it must be a business! By the way, how come every team in the league whether it be baseball, girls softball, or what-have-you, manage to get the fans at their games? Smithers attendance is sick.WHY?

Some fellow came around Smithers two Saturdays ago collecting money. Knew it didn't look like the Sally Ann but thought maybe they had changed their uniforms. After shelling out our few pultry pennies, found out it was the "Translation Army". He left a tabloid called "The End". Sure looked like it.

One of our Town's banks have a book out entitled "A Conspectus of Canada Centennial Year - 1967". Taking an awful chance knocking a bank—especially our own but the opening sentence in the book is a real diller....quote "Only once

in a hundred years is one invited to the celebration of a Centenary." It doesn't say it but it may as well further add "Every seven days Mr. So and So regularly makes his deposit once a week." Further on the writer adds: "B.C.'s hills have their feet in the Pacific Ocean". Real good. Not so good but unfortunately probably true is another statement "22 of B.C.'s 234,403,200 acres in required as fit for cultivation."

Peter Quinn's version of why he kept missing the ball at the Terrace Open Golf Tournament a few weeks back: "This golf course is two feet lower than the one in Smithers."

Some of the merchants have expressed concern that enough time had not been given for them to get a float ready for the parade July 1st. We doubt if it is the Elk's fault, as they

didn't tackle the job until not too long ago. Regardless, let's get some little thing in it, even a car with streamers on it is effective if you get enough of them.

Miss work Pat Sturgis on lining up the program for the July 1st afternoon. Looks like a real good show, we hope your efforts were worth it.

FLAUGHTS AND THING-A-MAJIGS to Ron East and Radio Station CFEB a good community minded outfit. THING-A-MAJIGS to anyone who doesn't get in the swing of things next week. Dig out those old dresses, ladies, (you can even tell them it was your grandmother's if you don't want to admit anything) and let's get hep with the times!

THOUGHT FOR THE WEEK: Allergies affect one out of ten Canadians. And hearing about them borers the other nine.

July 3rd A HOLIDAY OR NOT?

Monday, July 3rd could be a holiday. For then again maybe it isn't. But of course you never know, are you taking it, or not?

These were the opinions of merchants and organizations in Smithers last week.

Premier Bennett says B.C. will not get a general public holiday July 3rd however, he says the provincial government workers will get one because Saturday is a holiday and their normal day off.

Price Minister Pearson has declared the day Confederation Day but said it was up to the provinces to choose whether to order a general holiday.

Mayor Joe MacDonald will not declare it a holiday unless further word is received from the provincial government.

One office in Smithers said they will not be

closing Monday, as the day will stagger their day between Friday and Monday.

The banks will be closed on the Monday. This is definitely, perhaps the only definite answer to date.

One barber states he will be closing Monday. Three merchants have stated their intention to stay open, four have said they will leave it up to the town council or the Chamber of Commerce, and two told the Pictorial they would be closing....maybe!

Although nothing has been confirmed, it would appear the stores will remain open Monday July 3rd. The banks will close, the post office will probably be closed, and the B.C. government employees will have a day off.

One thing is for sure.... the students will be out of school!



The small vehicle pictured above was involved in an accident last week on the Smithers side of the Bulkley Bridge. It was reported that the vehicle had gone out of control and had skidded for some distance both on its wheels and on its side. Three juveniles were involved in the incident. No names have been released.

BANK OF B.C. 'A GAMBLE'

Most Smithers and district householders have already received prospectus or the share subscription certificate offered by Premier Bennett's Bank of British Columbia at \$25.00 a share.

The objective is to raise \$50 to \$75 million operating capital from as close as possible to 50,000 individuals and corporations.

The Pictorial talked with local bankers and all agreed with the consensus of bankers and investment houses that this is strictly "a gamble, more or less."

One thing definitely established was that under the bank act, bank officials are not supposed to advise clients on investments. There is a possibility of a bank manager counseling in certain cases or investments, but this is their own personal opinion, their replies then are to be considered as their own personal opinion.

Ed Good, Manager of the Royal Bank of Canada, stated "The record of the banking community in Canada is second to none in the world and with aggressive management I would expect the new bank to succeed."

"All free enterprise," added Good, "is a calculated risk and we do not see it as a free enterprise."

When the question was put before the Board of Directors of the Canadian Imperial Bank of Commerce, he stated he would present the pros and cons to the client but he could not advise the customer to purchase.

Dick Kelly, Manager of the Bank of Montreal, told us "It is a unique business, banking comparable has been started in Canada for many years. Setting up a banking business is expensive and it is therefore unlikely that dividers will be forthcoming for some time. However, the granting of a license to do business in a valuable commodity and how others have shown a steady growth during their history."

Officials of the Bank of B.C. have admitted that shareholders would not receive any dividends for at least three or four years.



Students of Occupation 1 at Secondary School presented Town Engineer Jim Hren painting? after his talk on town's water.