



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

May 16, 2006

Reply to the attention of Gordon Bednard

Gordon Sanders
20391 Westminster Highway
Richmond, BC V6V 1B7

Dear Sir:

Re: **Application # MM-36487**

PID: 002-119-803

Lot 2, District Lot 58, Yale Division of Yale District, Plan 67189

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to exclude the subject 12.1 ha property to facilitate its use for a pet crematorium and cemetery. The application was submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*.

The Commission wishes to thank you and Mr. Len Goossen for taking the time to meet with its representatives on March 15, 2006 at the property and again at the municipal hall in Hope. The Commission found the meeting and site visit informative. In particular, the Commission noted that the area of the property along the western boundary of the lot appeared less agriculturally suited than the balance of the land. In addition, the Commission recalled your discussion of the proposal wherein the infrastructure for the crematorium, office and burial plots would only occupy a small portion of the land and the balance would be developed with walking trails in a park-like setting.

The Commission expressed some concern that the exclusion of the property for the proposed use could be in conflict with its mandate to protect prime land for agriculture. However, the Commission also recognized that the proposed use would not preclude the future use of the majority of the land for future agricultural use if the proposed use was confined in size, and located on the poorest lands.

For these reasons, the Commission refused your application to exclude the property as proposed, however given the particular circumstances regarding the application the Commission grants permission to use a 1.2 ha portion of the property, located midway along the western boundary, for the pet cemetery. All infrastructure for the cemetery, including dwellings, crematorium, office, etc must be located within the 1.2 ha area.

The approval is subject to:

- compliance 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. The Commission suggests you contact the Fraser Valley Regional District at your earliest convenience.

The property will remain in the ALR and be subject to the provisions of the *Agricultural Land Commission Act* and regulations except as provided by this approval.

Page 2 - #36487

The decision noted above is recorded as Resolution # 221/2006.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

pc: Fraser valley Regional District Attn: Marcy Bond (# 3015-20-2005-02)
Len Goossen, 108 - 16425 Langley Bypass, Surrey, BC - V3S 6K1

GB/lv/Encl.
364871d1.

Provincial Agricultural Land Commission

Application: MM-36487

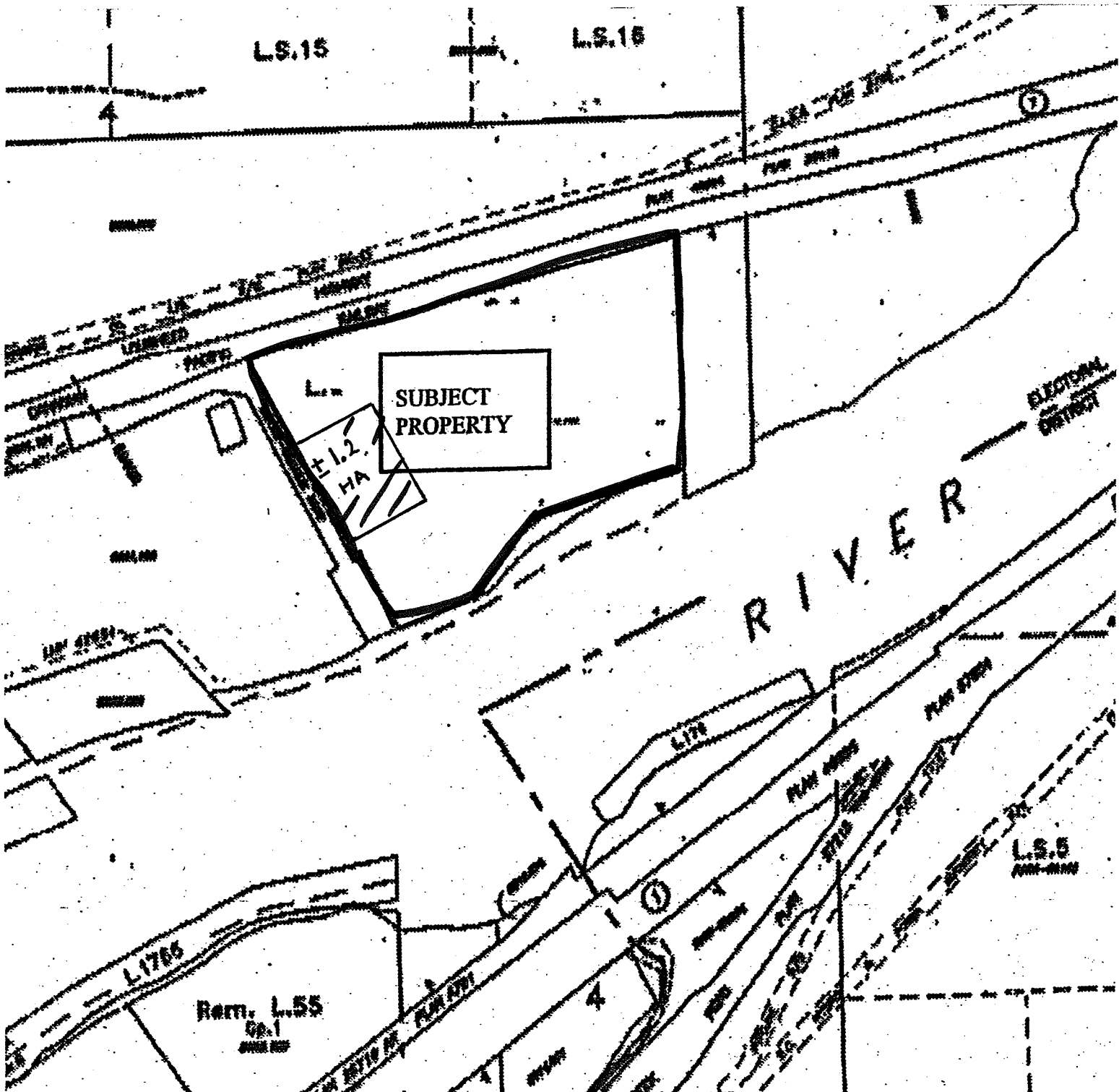
Resolution # 221/2006



Subject property.



1.2 ha area approved for pet cemetery within the ALR.



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on April 25, 2006 at Ladner, B.C.

PRESENT: Carol Paulson Commissioner
Walter Dyck Commissioner

ABSENT: Peter Dhillon Vice Chair

STAFF: Gordon Bednard, Regional Research Officer
Tony Pellett, Planner

For Consideration

Gordon Bednard presented his staff report dated March 3, 2006 regarding application #MM-36487.

Site Inspection

A site inspection was conducted on March 15, 2006. Those in attendance were:

- Commissioners Paulson, & Dyck
- Agricultural Land Commission Staff: Gordon Bednard, Regional Research Officer and Tony Pellett, Planner
- Gordon Sanders, owner
- Len Goossen, agent

The Commission viewed the property and discussed the application with the applicant and his agent.

Exclusion Meeting

An exclusion meeting was conducted on March 15, 2006 at the District of Hope Municipal hall. Those in attendance were:

- Commissioners Paulson, & Dyck
- Agricultural Land Commission Staff: Gordon Bednard, Regional Research Officer and Tony Pellett, Planner
- Len Goossen and Gordon Sanders

Mr. Sanders provided a written summary of the proposed pet cemetery proposal which has been added to the file.

Commission Discussion

The Commission was concerned that the exclusion of the property for the proposed use could be in conflict with its mandate to protect prime land for agriculture. However, the Commission also recognized that the proposed use would not preclude the future use of the majority of the land for future agricultural use if the proposed use was confined in size, and located on the poorest lands.

IT WAS

MOVED BY: Commissioner Carol Paulson

SECONDED BY: Commissioner Walter Dyck

THAT the staff report be received and the application be refused as presented, however the Commission would allow a 1.2 ha portion of the property, located midway along the western boundary, to be used for the pet cemetery, within the ALR. All infrastructure for the cemetery, including dwellings, crematorium, etc must be located within the 1.2 ha area.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



Staff Report
Application # MM – 36487
Applicant: Gordon Sanders

Agent: Len Goossen

DATE PREPARED: March 3, 2006

TO: Chair and Commissioners – South Coast Panel

FROM: Gordon Bednard, Regional Research Officer

PROPOSAL: To exclude the subject 12.1 ha property to facilitate the use of the land for a pet cemetery and crematorium.

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

Appended to the application file is a business plan submitted by the applicant for the proposed pet cemetery and crematorium. The Regional District has held a public meeting regarding the exclusion of this land for the proposed use, and the comments from the public at the meeting are also appended to the application.

Local Government:

Fraser Valley Regional District

Legal Description of Property:

PID: 002-119-803

Lot 2, District Lot 58, Yale Division of Yale District, Plan 67189

Purchase Date (m/d/y):

03/01/1995

Location of Property:

East of the Skawahlook IR and west of the Chawathil Indian Reserve, on the Lougheed Highway east of Ruby Creek (use Money's entrance off highway – stay left)

Size of Property:

12.1 ha (The entire property is in the ALR).

Present use of the Property:

vacant with some wooded areas

Surrounding Land Uses:

WEST: Mushroom compost production facility, in ALR
SOUTH: Fraser River
EAST: 2 ha forested ALR parcel held in common with land across highway, then 550 ha I.R.
NORTH: Across Lougheed Highway, 26 forested non-ALR parcel, then level Crown land

Agricultural Capability:

Data Source: Agricultural Capability Map # 92H/5a
The majority of the property is identified as having Prime Dominant ratings. Slight less than half the property, in the northeast, is rated Class (1) and (2).

Official Community Plan and Designation:

NO OCP for this area

Zoning Bylaw and Designation:

R-4 Rural
8 ha MLS

PREVIOUS APPLICATIONS:**Application #26958-0**

Applicant: TANDRA DEVELOPMENTS CORP
Decision Date: December 18, 1992
Proposal: To use the 12.8 ha property as a motorcross track for 16 days each year.
Decision: The Commission refused the motorcross use of the property because it was deemed an inappropriate use of agricultural land.

RELEVANT APPLICATIONS:**West****Application #27370-0**

Applicant: 422123 BC Ltd
Decision Date: April 05, 1993
Proposal: To establish a remanufacturing sawmill on the 12.5 ha subject property within an existing industrial building.
Decision: The Commission allowed the sawmill proposal subject to conditions:
1) 10 meter vegetative buffering around the millsite
2) fencing the proposed wood storage area
3) the sawmill restricted to the existing structure
4) the submission of a site plan

Application #29338-0

Applicant: 422123 BC Ltd
Decision Date: October 03, 1994
Proposal: To lease a 1 ha area for a communications tower and pre-fabricated hut
Decision: The Commission allowed the lease of a 1 ha area for a communications tower and control hut.

Application #32512-0**Applicant:** 422123 BC Ltd**Decision Date:** January 26, 1999**Proposal:** To develop a mushroom composting facility on the 12 ha property. Money's Mushrooms presently has a composting facility in Surrey, which has been the subject of controversy because of its odor. The proposed new structure is anticipated to be 200,000 sq**Decision:** The Commission allowed the Mushroom Composting facility on a 2.5 ha footprint on the 12 ha property on the grounds the land had already been debilitated and similar industrial uses had occupied the site in the past (with Commission approval). Also the site was isolated, and the proposed use was supportive of the agricultural industry.

Application #11248-0**Applicant:** Wilkar Holdings**Decision Date:** October 07, 1980**Proposal:** To subdivide the 30 ha property into two lots, one of 16 ha, the other, 14 ha, in order to separate dual ownership.**Decision:** Allow as requested.

Application #19478-0**Applicant:** Wilkar Holdings**Decision Date:** September 20, 1985**Proposal:** To establish a dry land log sort on the 12.5 ha parcel.**Decision:** Allow as requested because of poor agricultural capability.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Forwarded asking that the Commission consider RD staff comments and request that the decision be subject to rezoning by the RD.

PLANNER COMMENTS:

In 1997, a study done for the Hope & District Economic Development Office identified the area directly across the highway as the only non-ALR option for an industrial/business subdivision to serve the Hope and Fraser Canyon area. Because the 100+ ha Crown land portion of the site is hemmed in by a 26 ha private parcel and the Chawathil Indian Reserve and because several first nations have a claim on Crown land in the area, the study concluded that the industrial/business subdivision should be located on prime ALR land in Hope (see Application #MM-36471). To date, the Commission has not agreed with the study's conclusions.

In 2003, the Panel met with all six municipalities of the Fraser Valley Regional District, to discuss issues related to the proposed new Regional Growth Strategy. In discussion with Kent and with Hope, the Panel raised the issue of the 1997 study:

- Kent expressed interest in the long term possibility of pursuing industrial park development jointly with Hope and all interested first nations, with appropriate tax-sharing for all parties;
- the concept would probably most interest the Chawathil FN (whose principal reserve of ± 550 ha immediately adjoins the site) and the Skawahlook FN (whose principal reserve of 58 ha adjoins one corner of the site and whose other reserve of 17 ha is on the east side of Ruby Creek);
- there are several other nearby FNs who may also find the concept interesting, but on 06 March 2006 the Yale FN (which has a reserve on the west side of Ruby Creek) signed an Agreement in Principle which omits the area of the potential industrial park from its Statement of Intent.

If this area is actually designated for industry, then the subject property would be the only parcel over 2 ha not having some form of industrial use (given that the mushroom compost manufacturing facility to the west is an agri-industrial, not an agricultural use) Under those circumstances, the proposed non-farm use could be deemed appropriate.

If this area is never developed for industry other than the mushroom compost manufacturing facility, then it would be appropriate for the subject land to be preserved for agriculture. At the very least, any non-farm use should be confined to the prime-dominant soils and not spread to the Class (1) and (2) soils.

STAFF COMMENTS:

Staff is concerned that the proposed use is urban-generated. Such a "need", in the opinion of staff, should not be fulfilled at the expense of good quality agricultural land, such as the subject property. There are likely many properties outside the ALR which could support the proposed enterprise.

The subject lands are of a size which would lend itself to a wide variety of agricultural options, and the lands have capability ratings which indicate only minor limitations. Staff is not supportive of the proposal for the above reasons.

END OF REPORT

Signature

Date