



Agricultural Land Commission
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November 22, 2010

Reply to the attention of Jennifer Carson
ALC File: 51777

Friesen Investments Ltd
2757 Bradner Road
Abbotsford, BC V4X 1E2

Dear Mr. Friesen:

Re: Application for Non-Farm Use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # **2744/2010** outlining the Commission's decision as it relates to the above noted application. Further, please be advised that the Commission will be approaching the City of Abbotsford to better understand its plans for the ALR area along the Fraser Highway as well as Agricultural Industrial use within Abbotsford in general.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Brian Underhill', is written over the 'Per:' label. The signature is fluid and cursive.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: City of Abbotsford (3040-20/A10-004)

JC/
51777d1



A meeting was held by the Provincial Agricultural Land Commission on November 1, 2010 at the offices of the Ministry of Agriculture located at 1767 Angus Campbell Rd. Abbotsford, B.C.

PRESENT:	Sylvia Pranger	Vice-Chair, South Coast Panel
	John Tomlinson	Commissioner
	Richard Bullock	Commissioner
	Tony Pellett	Staff
	Jennifer Carson	Staff

Commissioner, Michael Bose recused himself from the decision meeting.

For Consideration

Application: 51777
Applicant: Friesen Investments Ltd.
Proposal: Non-farm Use: - To change zoning from A4 - Produce Processing Zone - to A5 - Agricultural and Farm Industrial Zone to allow for a broader agricultural use of the property in order to secure a tenant for the property.
Legal: PID: 004-373-961
Location: Lot B Section 22 Township 13 New Westminster District Plan 72013
29020 Fraser Highway, Abbotsford

Site Inspection

A site inspection was conducted on November 1, 2010. Those in attendance were:

- Sylvia Pranger Vice-Chair, South Coast Panel
- John Tomlinson Commissioner
- Richard Bullock Commissioner
- Tony Pellet Staff
- Jennifer Carson Staff
- John Friesen Applicant

Mr. Friesen confirmed that the staff report for this application was received and submitted an email dated October 24, 2010 discussing the errors and misconceptions which he had identified. Mr. Friesen explained that as a large portion of the property was already debilitated through the existence of the facility and associated truck parking, the agricultural capability ratings cited in the staff report were not appropriate for this portion of the property. Mr. Friesen also discussed the history of how he came to own the subject property through connections to the previous owners; he purchased the property 4 years ago when they required some capital in order to continue the business. After this time, Mr. Friesen owned the property and leased it to the previous owners (who were also the initial applicants of a previous ALC application to allow the mushroom processing facility – #32921). The previous owners outgrew the facility/property and as a result left, leaving Mr. Friesen was without a tenant. He explained that the reason that he wanted to change to AG5 zoning was to broaden the types of possible tenants he could accept. Mr. Friesen explained that he had been approached by some people whose business would fall under AG5 zoning and as a result determined that this would

be the most inclusive and appropriate request and as a result was the basis of this application.

Mr. Freisen also discussed his history in farming cattle and hay and explained that he has tried to determine a way that he could use the facility for his own agricultural business but as unable to find anything feasible.

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. 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.

Discussion

Assessment of Agricultural Capability

While the BCLI does indicate the land on the subject property to be classified as prime agricultural land, the present mushroom processing facility and the truck parking for the mushroom operation render the soils classification for this portion of the property to be obsolete.

Assessment of Other Factors

While the Commission understands and sympathizes with the difficulty Mr. Friesen finds himself in, it is not comfortable with allowing blanket agricultural industrial zoning within the ALR without some indication of what use is being proposed. Furthermore, the Commission wishes to point out that the previous approval under application # 32921 and Resolution #684/1999 was only for the mushroom distribution facility and no other use. As such, any other use, besides a mushroom distribution facility, would require permission from the Commission, regardless of City of Abbotsford zoning.

The Commission also discussed that it would like staff to approach the City of Abbotsford regarding their plans for agricultural industrial zoning along the Fraser Highway and in Abbotsford in general. Should this study reveal the need for agricultural industrial land to be situated in the area surrounding the subject property and specifically the subject property, and through its review the Commission decides to support this study, the Commission would be open to the applicant submitting a request for reconsideration (if it occurs within one year of the date on the decision letter) or a new application (if this occurs after one year).

Furthermore, if the Commission is provided with a letter from a bonafide agricultural industry company who is proposing to use the facility on the subject property within the next year it would be willing to review the proposal as a request for reconsideration and consider allowing that particular use on the subject property.

Conclusion

The Commission is not prepared to support the range of permitted uses provided in the City of Abbotsford's AG5 zoning designation without reviewing and approving a comprehensive study on agriculture industrial zoning within the City of Abbotsford.

IT WAS

MOVED BY: Commissioner Tomlinson
SECONDED BY: Commissioner Pranger

THAT the application be refused.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- S.33 (1) *On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that*
- (a) evidence not available at the time of the original decision has become available,*
 - (b) all or part of the original decision was based on evidence that was in error or was false.*
- (2) *The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration.

CARRIED

Resolution # 2744/2010