



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

November 14, 2011

Reply to the attention of Eamonn Watson
ALC File: 51777

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

Dear Mr. Friesen:

Re: Request for reconsideration of the non-farm use application, 29020 Fraser Hwy

Please find attached the Minutes of Resolution # **381/2011** outlining the Commission's decision and a Sketch Plan outlining the approved area in regard to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'KBU', is written over a light blue horizontal line. The signature is fluid and cursive.

Brian Underhill, Executive Director

Enclosure: Minutes and Sketch Plan

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

EW/51777d2



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 27th, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

Jennifer Dyson	Chair
Richard Bullock	Commissioner
Jim Johnson	Commissioner
Bert Miles	Commissioner

COMMISSION STAFF PRESENT:

Brian Underhill	Executive Director
Eamonn Watson	Land Use Planner

APPLICATION ID: # 51777

PROPOSAL: The applicant is proposing to lease the northern portion of the subject property to BW Global Structures Inc., a greenhouse company. BW Global Structures Inc. would use the subject property and the existing building for a greenhouse products facility. The area of the subject property being proposed for non-farm use was previously used as a mushroom manufacturing facility and zoned by the City of Abbotsford as A4 (Produce Processing Zone). The proposed use, if approved by the Commission, would require a change to the zoning of the proposed area of the subject property from A4 to A5 (Agricultural and Farm Industry Zone).
(Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

Owner:	Friesen Investments Ltd.
Date of Acquisition:	January 5, 2007
Parcel ID:	004-373-961
Title No.	CA824810
Legal Description:	Lot B, Section 22, Township 13, New Westminster District, Plan 72013
Civic Address:	29020 Fraser Highway, Abbotsford
Size:	5.6 ha
Area in ALR:	5.6 ha
Current Land Use:	Vacant mushroom processing facility.
Farm Classification:	No

(BC Assessment)

COMMISSION CONSIDERATION:

Background

On November 1st, 2010, the Commission considered a non-farm use application received from John Friesen (Friesen Investments Ltd.) on June 4th, 2010. The applicant was requesting the Commission's approval for the broader, agriculture related, use of the subject property by permitting the current A4 (Produce Processing Zone) zoning be changed to A5 (Agricultural and Farm Industry Zone). The proposed change would have facilitated finding a new tenant for the recently vacated mushroom processing facility.

By Resolution # 2744/2010 the Commission refused the application, stating that "it [was] not comfortable with allowing blanket agricultural industrial zoning within the ALR without some indication of what use [was] being proposed."

However, the Commission also stated that should "the Commission [be] 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 of the subject property."

On September 15th, 2011, the Commission received an email from John Friesen (Friesen Investments Ltd.). With this email, Mr. Friesen also provided a letter of intent from BW Global Structures Inc., dated September 3, 2011, stating the company's desire to use the subject property and the existing facility as a greenhouse products facility.

Context

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission as: (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.

Reconsideration

The proposal was considered under Section 33 of the *Agricultural Land Commission Act* (the "Act") which states:

- S33(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, or
 - (c) a recommendation by a facilitator under section 13 relating to a dispute warrants a reconsideration of the original decision.

Discussion

The Commission considered the following:

- This reconsideration is consistent with the previous decision of the Commission.
- The southern section of the subject property (south of the Terasen Gas Pipeline right of way) has been rehabilitated.
- Allowing a specific use that would comply with the City of Abbotsford A5 Zone would be an effective use of the area of the subject property which is no longer capable or suitable for soil bound agricultural production.

Conclusions

1. That the reconsideration is consistent with the previous decision of the Commission (Resolution # 2744/2010); and,
2. With appropriate conditions the proposed use will not negatively impact agriculture.

CONCLUSIONS:

IT WAS

MOVED BY: Commissioner Richard Bullock

SECONDED BY: Commissioner Bert Miles

THAT the application be approved.

AND THAT the approval is subject to the following conditions:

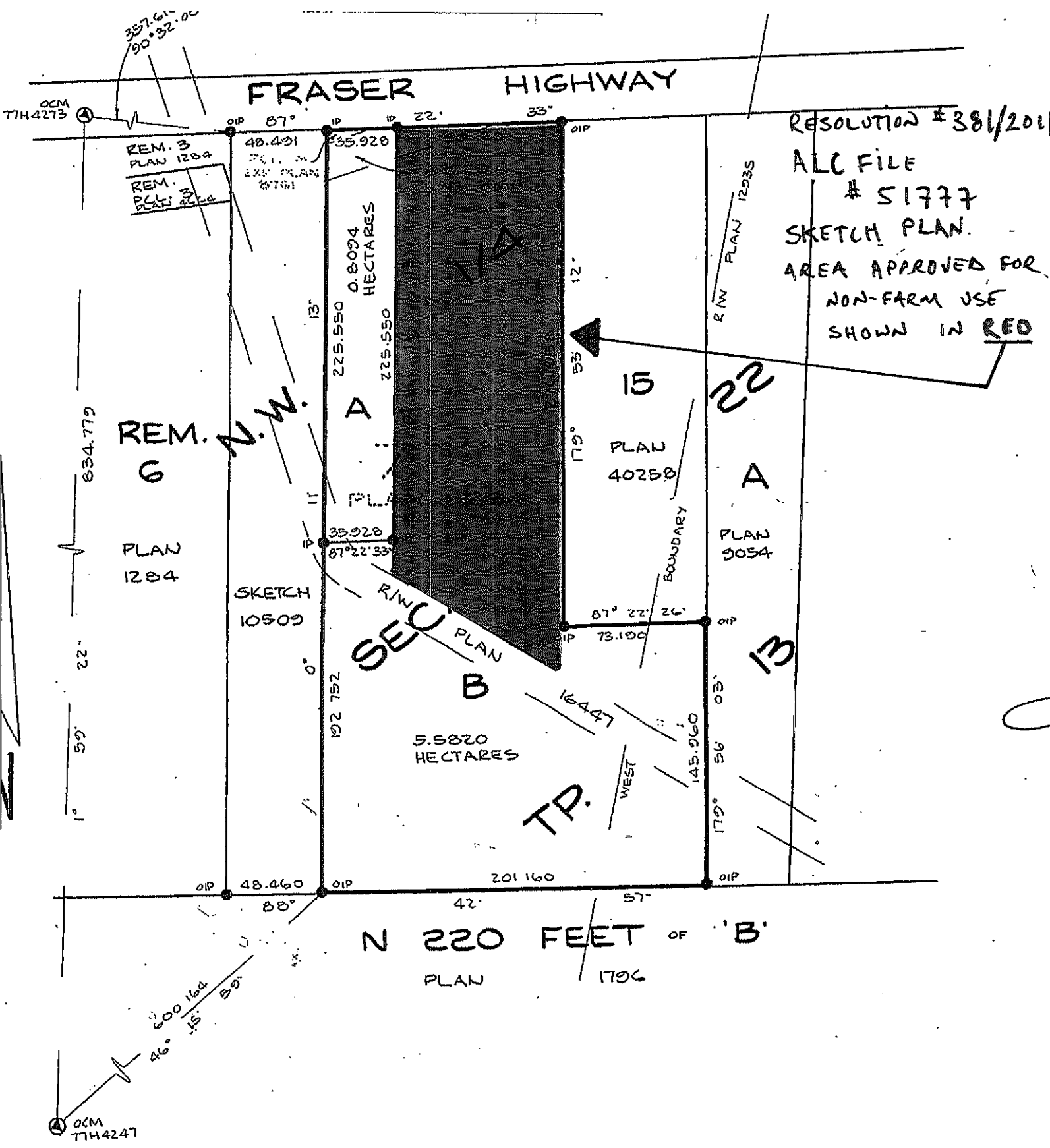
- The subject property may only be used by BW Global Structures Inc.; additional or new uses may only be approved by the Commission through the non-farm use application process;
- The approved non-farm use must be contained within the northern section of the subject property, between Fraser Highway and the north side of the Terasen Gas Pipeline right-of-way, but not including the two (2) separate areas north of the Terasen Gas Pipeline but south of the adjoining properties to the east and west adjacent to the southeast and southwest corners of the approved area;
- The use of the subject property by BW Global Structures Inc. must remain consistent with the City of Abbotsford A5 Zone, and the entire area outlined above may be zoned as such; and,
- The construction of new permanent buildings may only be approved by the Commission through the non-farm use application process, however, the use of temporary structures within the approved area is permitted.

AND FINALLY THAT approval for non-farm use is granted for the sole benefit of the applicant and BW Global Structures Inc. and is non-transferable.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED

Resolution # 381/2011



WILLIAM KERR; A BRITISH COLUMBIA LAND SURVEYOR OF ABBOTSFORD IN BRITISH COLUMBIA, CERTIFY THAT I WAS PRESENT AT AND PERSONALLY SUPERINTENDED THE SURVEY REPRESENTED BY THIS PLAN AND THAT THE SURVEY AND PLAN ARE CORRECT. THE SURVEY WAS COMPLETED ON THE

LEGEND:

- GRID BEARINGS ARE DERIVED FROM CONTROL MONUMENTS 77H4247 AND 77H4273
- INTEGRATED SURVEY AREA NO. 15, MATSQUI
- THIS PLAN SHOWS GROUND-LEVEL MEASURED DISTANCES. PRIOR TO COMPUTATIONS OF U.T.M. CO-ORDINATES MULTIPLY BY

PROJECT: 1117
SCALE: N.T.S.
DATE: OCT.12, 11.



AREA: 2
1.97ha

AREA: 1
0.44ha

STORM
RETENTION
POND
1250 C.M.

30M (?)
O/S
(Marked Area of 500 Sqm)

AREA APPROVED
FOR NON-FARM
USE SHOWN
OUTLINED IN
RED

RECEIVED
TROR AGRICULTURAL
LAND COMMISSION
OCT 17 2011

GAS PIPELINE S.R.W. PLAN 16447

