



Agricultural Land Commission
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March 28, 2011

Reply to the attention of Jennifer Carson
ALC File: 52001

Barbara Mclellan
P.O. Box 3102
Langley B.C. V3A 4R3

Dear Mrs. Mclellan:

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

Please find attached the Minutes of Resolution # **93/2011** outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Brian Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: City of Chilliwack (ALR0025)

JC/
52001d1



A meeting was held by the Provincial Agricultural Land Commission on March 9, 2011 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
Terra Kaethler Staff
Jennifer Carson Staff

For Consideration

Application: 52001
Applicant: KHK Holdings
Agent: Barbara McLellan
Proposal: Non-Farm Use - to obtain approval for an 1.1 ha existing commercial hay and grain trucking operation.
Legal: PID: 025-109-596
Lot 1 Section 10 Township 23 New Westminster District Plan LMP50577
Location: 5888 Hopedale Road, Chilliwack

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

The Commission believed that they had enough information to make a decision on the application without viewing the subject property. A copy of the staff report was made available to the agent by email and a request was made by Commission staff for her to review the report and to inform the Commission if she identified any errors or believed that there was crucial information missing. The agent responded in an email indicating that the portion of the property proposed for the non farm use was "unsuitable to grow anything, it has never (to [their] knowledge) been used to grow anything, so [they] would not be using valuable land." Furthermore, there was indication given that some of the neighbours who are supportive of the business may be submitting correspondence. These comments were made available to the Commissioners.

Assessment of Agricultural Capability

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the subject property is improvable to

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Subclasses

D undesirable soil structure
T topography
W excess water

Assessment of Agricultural Suitability

The area proposed for the non farm use contains a barn, which the Commission would point out indicated its original use as an agricultural building even if it is not currently used as such. Furthermore, as was indicated in an email from the agent, she mentioned that the area proposed for use is unsuitable to grow anything. After reviewing the file information and aerial photograph, the Commission does not believe there are any factors that render the land unsuitable for agricultural use.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. While the Commission understands that the portion of the property being leased and used for the commercial hay and grain trucking business is the existing barn and the immediate area around the barn, it does not believe that this type of business belongs on this property as it is in the ALR. Furthermore, while the Commission understands that the commercial business is related to agriculture, it is not necessary that it be situated on ALR land. Support of neighbouring farmers for this agribusiness was noted by the Commissioners; however, it did not alter their belief that this property is not suitable for the proposed use. The Commission believes the proposal would adversely impact existing or potential agricultural use of surrounding lands.

Assessment of Other Factors

The Commission also considered the argument made by the applicant that the current location of the business was crucial due to issues related to biosecurity, but believes that it is not necessary for the business to be situated within the ALR. Furthermore, while the Commission appreciates the family history in agriculture, it did not believe that it warranted this type of commercial use of the subject property. The Commission also noted that the local government was not supportive of the application.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will adversely impact agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Bullock
SECONDED BY: Commissioner Tomlinson

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.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED

Resolution # 93/2011