



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
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www.alc.gov.bc.ca

January 23, 2014

ALC File: 53195

John and Heleen Kappert
43462 Lumsden Road
Chilliwack, BC V2R 4R4

Dear Mr. & Ms. Kappert:

Re: **Application for a Non-Farm Use of Land in the Agricultural Land Reserve (ALR)**

Please find attached the Minutes of Resolution #408/2013 as it relates to the above noted application.

The Commission draws your attention to Section 33(1) of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

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.

A revised proposal does not constitute new evidence and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

Further correspondence with respect to this application is to be directed to Eamonn Watson (Eamonn.Watson@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #408/2013

cc: Fraser Valley Regional District (File: 3015-20 2012-04)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on July 17, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53195.

COMMISSION MEMBERS PRESENT:

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

COMMISSION STAFF PRESENT:

Tony Pellett	Regional Planner
Brian Underhill	Executive Director
Colin Fry	Executive Director

PROPOSAL (Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

The applicants propose to expand the current non-farm use from 1.4 ha to the whole 2.4 ha of the property as well as to change the type of non-farm use from auto-recycling to open storage to allow for vehicle sales, RV sales and general repairs.

PROPERTY INFORMATION:

Owners: John Johannes Kappert and Heleen Lyntje Kappert (as joint tenants)

Legal: PID: 006-951-961
Lot 6, Section 34, Township 22, New Westminster District, Plan 36961

Location: 43462 Lumsden Road, Chilliwack

Size: 2.4 ha

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
- (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land 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 agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

COMMISSION CONSIDERATION

The Commission reviewed one previous application involving the subject property:

Application #35330
(Kappert, 2004)

To exclude the 2.4 ha parcel from the ALR in order to facilitate the legalization and expansion of the existing auto wrecking business. The Commission refused exclusion as the subject property has prime dominant agricultural capability ratings under the Canada Land Inventory mapping, the property is a size consistent with farm use and the property is located in an agricultural area. The Commission did however conditionally allow expansion of the auto wrecking operation onto the western portion of the subject property by Resolution #351/2004, dated July 13, 2004.

After considering the information the Commission concluded as follows:

1. 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 portion of the property not affected by the historical non-farm use has prime agricultural capability ratings as indicated by the improved BCLI rating of Class 2 (limitations of topography, excess water and soil moisture deficiency).

Class 2 - land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in management.

Conclusion:

The property has prime agricultural capability rating of Class 2. The proposal for non-farm use of the whole property is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

2. In reviewing the previous application (#35330), the Commission noted that in 2004 it refused the proposed exclusion of the property due to the prime dominant agricultural rating, that the property is a size consistent with farm use and is located in an agricultural area. The Commission concurs with the rationale behind the previous Commission decision. The Commission also noted that the proposal was not supported by the Fraser Valley Regional District because it does not meet the current Official Settlement Plan's policies.

Conclusion:

The proposed development would preclude the possibility of agriculture being carried out on the portion of the property not affected by the historical non-farm use.

IT WAS
MOVED BY: Commissioner Miles
SECONDED BY: Commissioner Dyson

THAT the request to use the whole subject property for the purpose of open storage in order to allow vehicle sales and general repairs be refused.

CARRIED
Resolution #408/2013