



Agricultural Land Commission
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November 29, 2016

ALC File: 55403

Alexis Warmerdam
302-33255 Old Yale Road
Abbotsford, BC V2S 8R2

Dear Ms. Warmerdam:

Re: Application to Conduct a Non-Farm Use in the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the South Coast Panel (Resolution #406/2016) as it relates to the above noted application. As agent, it is your responsibility to notify the applicant accordingly.

Reconsideration of a Decision as Directed by the ALC Chair

Please note that pursuant to [s. 33.1 of the *Agricultural Land Commission Act*](#), the Chair may direct the executive committee to reconsider any panel decision if, within 60 days from the date of this decision, he considers that the decision may not fulfill the purposes of the commission as set out in s. 6, or does not adequately take into consideration s. 4.3.

You will be notified in writing if the Executive Committee is directed to reconsider your decision. The Commission advises you to take this 60 day period into consideration prior to proceeding with any actions upon this decision.

Reconsideration of a Decision by an Affected Person

We draw your attention to [s. 33\(1\) of the *Agricultural Land Commission Act*](#) which provides a person affected the opportunity to submit a request for reconsideration.

- 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.

For further clarity, s. 33.1 and s. 33(1) are separate and independent sections of the *Agricultural Land Commission Act*.

Further correspondence with respect to this application is to be directed to Kamelli Mark at (Kamelli.Mark@gov.bc.ca).

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Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read 'KMARK'. The letters are bold and stylized, with some overlapping.

Kamelli Mark, Land Use Planner

Enclosure: Reasons for Decision (Resolution #406/2016)

cc: Stanley de Haan, Soil Permit Coordinator, City of Abbotsford (File: 16-117207)

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AGRICULTURAL LAND COMMISSION FILE 55403

REASONS FOR DECISION OF THE SOUTH COAST PANEL

Application submitted pursuant to s. 20(3) of the *Agricultural Land Commission Act*

Applicant: Tommy Vanderveen
(the "Applicant")

Agent: Alexis Warmerdam
(the "Agent")

Application before the South Coast Regional Panel: William Zylmans, Panel Chair
Gordon McCallum



THE APPLICATION

[1] The legal description of the property involved in the application is:

Parcel Identifier: 024-391-719

Lot B, District Lot 229, Group 2, New Westminster District Plan LMP40986
(the "Property")

[2] The Property is 10 ha in area.

[3] The Property has the civic address 36737 North Parallel Road, Abbotsford, BC.

[4] The Property is located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").

[5] The Property is located within Zone 1 as defined in s. 4.2 of the *ALCA*.

[6] Pursuant to s. 20(3) of the *ALCA*, the Applicants are applying for a non-farm use (depositing 3750 m³ of fill) to create an additional 2.6 ha of all-weather parking for agri-tourism (tulip festival) (the "Proposal"). The Proposal along with supporting documentation is collectively the application (the "Application").

RELEVANT STATUTORY PROVISIONS

[7] The Application was made pursuant to s. 20(3) of the *ALCA*:

20(3) An owner of agricultural land or a person with a right of entry to agricultural land granted by any of the following may apply to the commission for permission for a non-farm use of agricultural land.

[8] The Panel considered the Application within the context of s. 6 of the *ALCA*. The purposes of the Agricultural Land Commission (the "Commission") set out in s. 6 are as follows:

- 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.

EVIDENTIARY RECORD BEFORE THE PANEL

[9] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Agricultural capability map, ALR context map and satellite imagery

All documentation noted above was disclosed to the Agent in advance of this decision.

[10] At its meeting of June 23, 2008, the City of Abbotsford resolved to authorize staff to forward all non-farm use applications associated with applicable soil removal or deposit proposals to the ALC for review and comment as required under Section 25(3) of the *ALCA*.

SITE VISIT

[11] The Panel, in the circumstances of the Application, did not consider it necessary to conduct a site visit to the Property based on the evidentiary record associated with the Application.

FINDINGS

[12] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified using the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system. The improved agricultural capability ratings identified on BCLI map sheet 92g/01b for the mapping units encompassing the Property are approximately 85% Class 2 and Class 3 (8:2WD – 2:3WD), 10% Class 1 and Class 2 (7:1 – 3:2T), and 5% Class 1 and Class 2 (6:1 – 4:2T).

Class 1 - land is capable of producing the very widest range of crops. Soil and climate conditions are optimum, resulting in easy management.

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.

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

The limiting subclasses associated with this parcel of land are W (excess water), D (undesirable soil structure), and T (topographic limitations).

[13] The Panel reviewed the BCLI ratings and find that the Property has prime agricultural capability and that it is appropriately designated within the ALR. The Property currently supports a corn crop and tulip production.

[14] The tulips grown on the Property and the two adjacent parcels are currently being showcased once per year during a four to six week tulip festival organized by the Agent. The parking lot is proposed in order to accommodate extra parking for the tulip festival. The Panel notes that the viability of the tulip festival is contingent on the continued cultivation of tulips on the adjacent parcels of land.

[15] With respect to the suitability of the proposed parking area, the Application states:

This parcel under application is unsuitable for farming as years ago, when the Whatcom area was being developed, a previous owner allowed developers to deposit fill there which has made this piece difficult to impossible to farm. The fill that was deposited at this time includes rocks large enough to damage equipment, boulders, concrete, tires, logs and other garbage debris.

The Panel believes that despite the actions of the previous landowner, remediation measures could be employed to utilize the area for farm uses rather than non-farm uses. The Panel finds that the presence of such debris is not determinative that the Proposal portion of the Property cannot be utilized for agricultural uses.

[16] There is an existing 2.6 ha gravel parking area on the Property that is available for farm use, with the exception of the weeks that overlap with the tulip festival. The Proposal would increase the area of gravel parking on the 10 ha parcel from 2.6 ha to 5.2 ha which equates to over 50% of the total area of the Property. The Panel finds that there is no need for further infrastructure to support an event that is temporary and seasonal in nature. The Panel considers the use and retention of the existing 2.6 ha gravel parking area to be reasonable, provided that it is used for agricultural purposes outside of the days when it is utilized by the tulip festival.

[17] The objective of s. 6 of the *ALCA* is to preserve agricultural land and to protect it from encroachment of inappropriate non-farm uses. If the ALR is to be maintained in the long term, it cannot be endlessly eroded, and as such, the Panel is not amenable to the further conversion of the Property into vehicle parking.

DECISION

[18] For the reasons given above, the Panel refuses the Proposal for a non-farm use (depositing 3750 m³ of fill) to create an additional 2.6 ha of all-weather parking for agri-tourism (tulip festival).



[19] These are the unanimous reasons of the South Coast Panel of the Agricultural Land Commission.

[20] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *Agricultural Land Commission Act*.

[21] This decision is recorded as Resolution #406/2016 and is released on November 29, 2016.

CERTIFICATION OF DECISION

A handwritten signature in black ink, appearing to read 'W. Zylmans', with a long horizontal flourish extending to the right.

William Zylmans, Panel Chair, on behalf of the South Coast Panel

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