



**Agricultural Land Commission**  
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August 8, 2007

Reply to the attention of Jennifer Carson  
ALC File: #MM - 37372

David and Marianne Kruk  
34856 Harris Road  
Abbotsford, BC V3G 1R7

Dear Mr. and Mrs. Kruk:

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

Please find attached the Minutes of Resolution # 380/2007 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: City of Abbotsford (#3040-20/A06-022)

Enclosure: Minutes

JC/lv/37372d1



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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A meeting was held by the Provincial Agricultural Land Commission on July 10, 2007 in Abbotsford, B.C.

<b>PRESENT:</b>	Sylvia Pranger	Chair, South Coast Panel
	Michael Bose	Commissioner
	John Tomlinson	Commissioner
	Tony Pellett	Staff
	Jennifer Carson	Staff

### For Consideration

Application: # MM - 37372  
Applicant: David and Marianne Kruk  
Proposal: Non-farm use to rezone 0.4 ha of the original 2.0 ha subject property from A2 to A5 to continue the repair and sales of farm machinery.  
Legal: PID: 006-654-312  
Lot B, North 1/2, Section 2, Township 17, New Westminster District, Plan 3560  
Location: 34856 Harris Road, Abbotsford

### Site Inspection

A site inspection was conducted on July 10, 2007. Those in attendance were:

- Sylvia Pranger Chair, South Coast Panel
- Michael Bose Commissioner
- John Tomlinson Commissioner
- Tony Pellett Staff
- Jennifer Carson Staff
- David Kruk Applicant

The Commissioners and Staff met with the applicant on the subject property to discuss the application. Mr. Kruk gave a tour of his existing agricultural equipment repair facility and explained that Abbotsford would like him to remain on the property as it is more convenient for the farmers that use his services. However, Abbotsford would like Mr. Kruk to change the zoning to reflect the industrial activity that is taking place on the property. Mr. Kruk mentioned that he does not want to expand his operation of 5 employees. He also stressed that he would like to legalize the operation so that it is no longer a non-conforming use on the property.

### 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**

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

The improved ratings for the agricultural capability of the soil of the subject property are:

- 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
- W      excess water

### **Assessment of Agricultural Suitability**

The Commission assessed whether the external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external 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. The Commissioners believe that this operation supports the agricultural community as it allows farmers to drive their farm equipment directly to the workshop without having to navigate busy streets. The Commission believes the proposal would not adversely impact existing or potential agricultural use of surrounding lands as it is an existing use with no plans to expand. However, the Commission would like to see a fence and vegetative buffer placed around the operation.

## **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 not adversely impact agriculture.
4. That the business supports the local farming community.

**IT WAS**

**MOVED BY:** Commissioner Bose

**SECONDED BY:** Commissioner Tomlinson

THAT the application be allowed with conditions.

AND THAT the approval is subject to the following conditions:

- the planting of vegetation for buffering for the purpose of mitigating adverse impacts on adjacent agricultural operations.
- approval for non-farm use is granted for the sole benefit of the applicant 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 # 380/2007**



**Staff Report**  
**Application # MM – 37372**  
**Applicant: David and Marianne Kruk**

**DATE RECEIVED:** April 20, 2007

**DATE PREPARED:** June 15, 2007

**TO:** Chair and Commissioners – South Coast Panel

**FROM:** Jennifer Carson, Land Use Planner

**PROPOSAL:** Non-farm use to rezone 0.4 ha of the original 2.0 ha subject property from A2 to A5 to continue the repair and sales of farm machinery. This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

**Local Government:**

City of Abbotsford

**Legal Description of Property:**

PID: 006-654-312

Lot B, North 1/2, Section 2, Township 17, New Westminster District, Plan 3560

**Purchase Date:**

December 2005

**Location of Property:**

34856 Harris Road, Abbotsford

**Size of Property:**

2.0 ha (The entire property is in the ALR).

**Present use of the Property:**

Residence, farm repair shop, garage and two barns

**Surrounding Land Uses:**

**WEST:** VanBelle Nursery

**SOUTH:** VanBelle Nursery

**EAST:** Maple Leaf Nursery

**NORTH:** Blueberry Farm

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 92G/1/c  
The majority of the property is identified as having Prime Dominant ratings.

**Official Community Plan and Designation:**

OCP: Not available  
Designation: Agricultural

**Zoning Bylaw and Designation:**

Zoning: Not available  
Designation: Agricultural Two Zone (A2)  
Minimum Lot Size: 16 ha

**RELEVANT APPLICATIONS:**

**Application #33369-0**

**Applicant:** Fraserbridge Farms Ltd  
**Decision Date:** August 24, 2000  
**Proposal:** To subdivide the 44.48 ha farm site into two lots of 16.19 ha and 24.39 ha to provide a separate lot for the existing broiler poultry operation and dairy operation and allow for an estate transfer of each parcel to the operator's sons.  
**Decision:** Allowed subject to agreeing to waive any future rights to a homesite severance and the consolidation of two lots.

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**Application #25901-0**

**Applicant:** Holt, Gerald & Marilyn  
**Decision Date:** November 27, 1991  
**Proposal:** To subdivide a 0.6 ha homesite severance for retirement purposes on the southeast corner of the 15.3 ha lot.  
**Decision:** Allowed subject to the registration of a restrictive covenant prohibiting the construction of a dwelling against the 15 ha remnant as well as subject to the standard conditions of the Homesite Severance Policy.

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**Application #37373-0**

**Applicant:** Fogarassy, Frank  
**Proposal:** To subdivide the subject property to create eight (8) 4 ha lots.  
**Decision:** To be viewed during the July South Coast Panel Trip.

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**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Council:**

Council for the City of Abbotsford forwarded the application with a recommendation of support.

**STAFF COMMENTS:**

It is recommended that the Commission consider the following:

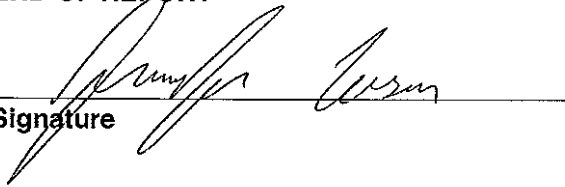
- Although the adjacent properties are not under application at this time, approval of a non farm use proposal on the subject property could lead to subdivision applications from adjacent property owners.
- The improved ratings of the agricultural capability of the property are identified as prime (Class 2 and Class 3).
- A site visit and discussion with the applicant will help to determine whether or not this proposal will have an impact on agriculture.

**ATTACHMENTS:**

1. Letter from applicant to FVRD AAC
2. Sketch of Proposal
3. Base Map
4. Agricultural Capability Map
5. Ariel Photograph

**END OF REPORT**

Signature

A handwritten signature in black ink, appearing to read "D. [unclear] [unclear]", written over a horizontal line.

Date

June 23, 2007