



Agricultural Land Commission
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February 11, 2009

Reply to the attention of Tony Pellett
ALC File: MM-35375-1

Cover-All Buildings BC
29781 Fraser Highway
Abbotsford BC V4X 1V2

Attention: Jim Low, Area Manager – Fraser Valley Division

Re: Request for Interpretation re Agricultural Industrial Use

Please find attached the Minutes of Resolution # 20/2009 outlining the decision of the Provincial Agricultural Land Commission (the "Commission") as it relates to a request to determine whether the activities of Cover-All Buildings BC can be interpreted as an agricultural industrial use *per* covenant BX596469 registered in favour of the Commission.

Please note that Resolution #20/2009 offers an interpretation which is dependent on your firm's willingness to present evidence annually to the city of Abbotsford demonstrating that your business is being operated in the prescribed manner, or alternatively to relocate the business to a location outside the agricultural land reserve (ALR). It is also dependent on the willingness of the City of Abbotsford to perform annual renewal of your business licence in the prescribed manner.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the 'Per:' label.

Erik Karlsen, Chair

Enclosure: Minutes

cc: City of Abbotsford Attention: Business Licence Department

Western Animal Nutrition Inc
C/o Allan Keras, UAS Canada Inc.
29781 Fraser Highway
Abbotsford BC V4X 1V2

TP/
I/35375d2



A meeting was held on February 06, 2009 by telephone conference from the offices of the Agricultural Land Commission located at #133 - 4940 Canada Way, Burnaby, B.C.

PRESENT:	Sylvia Pranger	Chair, South Coast Panel
	Michael Bose	Commissioner
	John Tomlinson	Commissioner
	Tony Pellett	Staff

For Consideration

Application: # MM- 35375-1
 Applicant: Western Animal Nutrition Inc.
 Agent: Cover-All Buildings BC
 Proposal: Rent part of the area approved for agricultural industrial use so it may be occupied by a firm which supplies specialized structures primarily for agricultural applications.
 Legal: PID: 026-507-285
 Lot B, Section 23, Township 13, NWD, Plan BCP21123
 Location: 29781 Fraser Highway, Abbotsford

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.

The Act provides processes for landowners, local governments and First Nations to apply to the Commission to remove land from or to include land into the ALR or to subdivide or use land in the ALR for non-farm purposes.

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 agricultural capability of the soil of the subject property is

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

Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

Subclasses

D	undesirable soil structure	T	topography	W	excess water
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Assessment of Agricultural Suitability

The Commission assessed whether 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 Commission believes the proposal would not impact existing or potential agricultural use of surrounding lands to any greater extent than would be the case with the use allowed under the original (2004) decision.

Assessment of Other Factors

The 2004 decision allowed the non-farm use of a 1.06 ha area of the property, subject to registration of a covenant restricting the use of that part of the property so that it shall not be used "for any other purpose other than for agricultural or agricultural industrial use whatsoever". The owner registered the covenant (effective within an area defined by Reference Plan BCP21370) then built an industrial building used exclusively by the agricultural industrial business or businesses being carried out there.

A firm named Cover-All Buildings BC has entered into a tenancy agreement for the rental of three empty spaces in the building as well as the use of some of the yard space for storage. The City of Abbotsford has declined to issue a business licence without Commission confirmation that the business operated by Cover-All Buildings BC can be defined as an agricultural industrial use. In assessing this factor, the Commission considered that the firm currently operates in a rural-agricultural setting in the Shuswap, where about 60% of each year's business has been and continues to be in agricultural applications. Those include dairy facilities, cattle management, hay and feed storage, manure pit covers, farm equipment storage and maintenance buildings, horse stables, indoor riding arenas and other animal housing requirements. The firm has stated that it intends to expand to the Fraser Valley and expects that at least 60% of the business from the subject site will be in agricultural applications.

The Commission believes that the proposed use could be defined as an agricultural industrial use only if the majority of the business from the subject site in each year is in agricultural applications. If in any year the majority of the firm's business is not in agricultural applications, the firm will have to make arrangements to relocate to a site not within the ALR (and by monitoring its business throughout the year should allow itself adequate time to relocate).

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 could have a beneficial impact on agriculture.
4. That with annual monitoring, the proposal can be consistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Pranger

SECONDED BY: Commissioner Bose

THAT the proposed business be defined as an agricultural industrial use qualifying for issuance of a 2009 business licence but with annual renewal of the business licence being subject to confirmation to the City of Abbotsford that a majority of the firm's business is in agricultural applications.

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, Commissioner John Tomlinson opposed on the grounds that the Commission does not have the resources to track or enforce this decision.

Resolution # 20/2009