



Agricultural Land Commission
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April 13, 2010

Reply to the attention of Ron Wallace
ALC File: MM-38891

Friesland Development Ltd.
1709 Cameron Road
Agassiz, BC V0M 1A0

Attention: Albert Riemersma

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # **2372/2010** outlining the Commission's decision as it relates to the above noted application.

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: District of Kent (File: 5281 13535)
H.G. Sanborn & Associates Inc., 206-45750 Knight Road, Chilliwack, BC V2R 0G1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 25, 2010 in Agassiz, B.C.

PRESENT: Michael Bose Commissioner
John Tomlinson Commissioner
Tony Pellett Staff

ABSENT: Sylvia Pranger Chair, South Coast Panel

For Consideration

Application: MM-38891
Applicant: Friesland Development Ltd.
Agent: H.G. Sanborn & Associates Inc.
Proposal: To exclude the subject 1.53 ha property in order to create 11 new residential lots and finish the road with a cul-de-sac and create a small hobby farm parcel that could be farmed and act as a buffer to the adjacent farm property.
Legal: Parcel "T" (Reference Plan 811), District Lot 19. Group 1 Yale Division of Yale District, EXCEPT Part Subdivided by Plan BCP14667
Location: End of McCaffrey Road, Agassiz

Site Inspection

A site inspection was conducted on March 25, 2010. Those in attendance were:

- Michael Bose Commissioner
- John Tomlinson Commissioner
- Tony Pellett Staff
- Albert Riemersma President and Secretary of Friesland Development Ltd.

Mr. Riemersma displayed the proposed subdivision layout and described where its components were on the site, stressing the proposed buffering between the proposed new parcels and the UBC Dairy Education and Research Centre on the Pacific Agri-Food Research Centre site. He expressed the view that the land will probably never be used as a hobby farm and that the existing house is out of character with the neighbourhood. He also advised that Agassiz is nearing build-out and needs this subdivision in order to accommodate the continuing residential demand.

In response to a question from the Commission, he explained that the raised area passing through the property covers a storm drainage pipe required by the District of Kent to serve the earlier subdivision; the drainage works pass northward across the subject property and the neighbouring property to the northwest, then divulge into farmlands of the Pacific Agri-Food Research Centre. The Commission advised him that those works had not formed part of the previous decision (ID 39748— LEGACY 34816) and were not otherwise authorized by the Commission as required by law.

Exclusion Meeting

An exclusion meeting was conducted on November 2, 2009 at Suite 133, 4940 Canada Way, Burnaby, BC. Those in attendance were:

- Erik Karsen Chair of the Commission
- Michael Bose Commissioner
- Ron Wallace Staff
- Tony Pellett Staff
- Albert Riemersma President and Secretary of Friesland Development Ltd.
- Grant Sanborn Agent

The proponents explained the purpose of the application is to exclude the subject land in order to create residential lots and finish the road with a cul-de-sac and create a small hobby farm parcel that could be farmed and act as a buffer to the adjacent farm 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 agricultural capability of the soil of the subject property is
Class 1 – Land in this class either has no or only very slight limitations that restrict its use for the production of common agricultural crops.
Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

Subclasses

- A soil moisture deficiency
- T topography
- W excess water

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 believed the following:

- that the property has good potential for a variety of agricultural purposes and is capable of being made into a hobby farm,
- there is no restriction on replacing the existing residence,
- despite the proposed buffering, adverse impacts on the Pacific Agri-Food Research Centre can still be expected, and
- although Agassiz appears to be nearing build-out for residential demand, the community needs a more comprehensive solution than with this application, in consultation with the Commission.

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 negatively 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 Tomlinson
SECONDED BY: Commissioner Bose

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 and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

CARRIED
Resolution # 2372/2010