



Agricultural Land Commission
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July 30, 2010

Reply to the attention of Terra Kaethler
ALC File: 51641

Roel & Diane Brand
41455 Yarrow Central Road
Chilliwack, BC
V2R 5G5

Dear Sir/Madam:

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

Please find attached the Minutes of Resolution # **2588/2010** 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 'B Underhill', is written over the printed name.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: City of Chilliwack (3370-20 (ALR000218))

RW/
51641d1



A meeting was held by the Provincial Agricultural Land Commission on July 7, 2010 in Langley, B.C.

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

For Consideration

Application: 51641
 Applicant: Roel & Diane Brand
 Proposal: To obtain approval for the existing RV storage yard and industrial scale welding shop occupying the subject property. The applicant has been in operation on the site for over 15 years and would like to continue in its present facilities with the option to expand operations and provide for more parking and equipment storage.
 Legal: Lot 4 Section 31 Township 22 New Westminster District Plan BCP3704
 Location: 41455 Yarrow Central Road, Chilliwack

Site Inspection

A site inspection was conducted on July 6, 2010. Those in attendance were:

- Richard Bullock Chair
- Sylvia Pranger Chair, South Coast Panel
- Michael Bose Commissioner
- John Tomlinson Commissioner
- Tony Pellett Staff
- Roel Brand Applicant

Mr. Brand explained that his business use of the property for welding and manufacturing started in 1994 as a cottage industry and just grew from there. He explained that by far the greatest proportion of his property is in farm use, with the non-farm business limited to the extreme southwest corner. He stated that he had recently graveled over an area for RV storage but had removed the RV storage when the City of Chilliwack required him to do so. He acknowledged that he submitted the non-farm use application in order to legalize the non-farm use rather than be the subject of the City's bylaw enforcement actions.

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

The Commission believes the non-farm use is an inappropriate use of prime farmland. It was noted the staff report stated that the unimproved agricultural capability is mixed prime and secondary, but did not state that the improved capability rating is Class 2.

It was also noted that the City's report states that if the Commission refuses the non-farm use application, the owner will be required to reduce the scale of the business back to the original cottage industry, but the City makes no mention of the need to rehabilitate the land under the supervision of an agronomist to an agricultural standard at least as high as the rest of the farm.

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 2 – Land in this class has minor limitations that require good ongoing management practices or slightly 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

- 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 believes the non-farm use is an inappropriate use of prime farmland and should not be permitted.

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 # 2588/2010