



Provincial Agricultural Land Commission - Staff Report

Application: 51777

Applicant: Friesen Investments Ltd
Local Government: City of Abbotsford

Proposal: Non-farm Use: - To change zoning from A4 - Produce Processing Zone - to A5 - Agricultural and Farm Industrial Zone to allow for a broader agricultural use of the property in order to secure a tenant for the property.

BACKGROUND INFORMATION

See attached letter from applicant.

PROPERTY INFORMATION

PID: 004-373-961
Legal Description: Lot B Section 22 Township 13 New Westminster District Plan 72013
Property Area: 5.6 ha
ALR Area: 5.6 ha
Purchase Date: December 8, 2006
Location: 29020 Fraser Highway
Owner: Friesen Investments Ltd

LAND USE

Current Land Use:
Mushroom processing, office, truck parking for mushroom operation

Surrounding Land Uses:

North: Fraser Highway; rural residential
East: Rural residential
South: Agricultural
West: Rural residential

PROPOSAL DETAILS

Non- Farm Use Area: 5.6 ha
Non- Farm Use Type: Agricultural/Farm: Misc. Agricultural Use

Agricultural Capability:

The majority of the area under application is rated as: Prime

Source: BCL

Mapsheet: 92G/1d

PREVIOUS APPLICATIONS

PREVIOUS APPLICATIONS

Application ID: 14706 **Legacy #:** 16570

Applicant: G. Zukiwsky

Proposal: To subdivide a 2 ha lot as a retirement homesite.

Decision:

Resolution #	Decision Date	Decision Description
1382/1983	September 12, 1983	Refuse as proposed, but would allow a 1 ha retirement homesite.

Application ID: 14705 **Legacy #:** 15419

Applicant: G. Zukiwsky

Proposal: To subdivide the 6 ha property into a 2 ha lot (retirement homesite) and a 4 ha remnant.

Decision:

Resolution #	Decision Date	Decision Description
2963/1982	December 17, 1982	Refuse as proposed on the grounds of reduced agricultural capability.

Application ID: 14704 **Legacy #:** 02045

Applicant: G. Zukiwsky

Proposal: To use the 6 ha property as a mobile home park.

Decision:

Resolution #	Decision Date	Decision Description
4782/1976	October 5, 1976	Refuse as proposed because the property has good agricultural capability.

Application ID: 14610 **Legacy #:** 32921

Applicant: Champ's Mushrooms Inc

Proposal: To establish a mushroom processing, packing, storage and distribution facility on the 5.6 ha property. The area adjoining Fraser Highway has already been debilitated by a pallet manufacturing facility which operated illegally on the property for a number

Decision:

Resolution #	Decision Date	Decision Description
684/1999	October 22, 1999	The Commission allowed the mushroom distribution facility subject to the submission of a \$20,000.00 irrevocable letter of credit to ensure the cleanup of the southerly 1/2 of the property. The L/C would be returned upon confirmation that the dumped waste material on the back half of the property was removed.

RELEVANT APPLICATIONS

Application ID: 42955 **Legacy #:** 36537

Applicant: Peiter & Anita de Brvin

Proposal: To consolidate and re-subdivide three properties into two lots. this would allow access to landlocked portions of the existing properties.

Decision:

Resolution #	Decision Date	Decision Description
232/2006	April 26, 2006	Allow 0.4 acre lot around house (or smaller if possible with septic approval).

Note: the subject of this relevant application is west of the subject property

RELEVANT APPLICATIONS

Application ID: 42320

Legacy #: 36242

Applicant: Michel Batenchuk

Proposal: To subdivide a 0.6 ha lot from the 7 ha subject property, around the existing dwelling, under the Homesite Severance Policy.

Decision:

Resolution #	Decision Date	Decision Description
611/2005	October 18, 2005	Refuse as submitted but would allow smaller HSS lot with fencing.

Note: the subject of this relevant application is east of the subject property.

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: City of Abbotsford OCP

Designation: Agricultural

OCP Compliance: Yes

Zoning:

Zoning Bylaw Name: Abbotsford Zoning Bylaw, 1996

Zoning Designation: Agricultural Processing (A4) & (A1)

Minimum Lot Size: 8.0 ha

Zoning Compliance: No

Comments and Recommendations:

Agricultural Advisory Committee

The AAC noted that the existing structure will dictate what will happen on the property as it is not viable for soil based agriculture.

Board/Council

That the application be forwarded to the ALC with support.

Planning Staff

The application is concerned with an existing building that was established to service the agricultural sector. The intention of the applicant is to retain the building for agricultural related activities. The AAC has given its approval to this proposal and staff supports this application being forwarded to the ALC.

ALC STAFF COMMENTS

-The applicants have owned the property since December 2006.

-According to the BCLI mapping, the agricultural capability of the subject property is classified as prime, improvable to Class 3 and 4 with the limitations of topography, undesirable soil structure and excess water. According to a 1999 report by the Commission's staff agrologist the front half of the property was debilitated beyond reclamation but the back half of the property could be cleaned up by dealing with spots where dump-truck loads of junk had been dropped randomly. He reported that the agricultural capability of the rear portion of the property is good, although the land is hummocky, with patches of wetter, lowland areas. The applicant indicated willingness to utilize the south portion of the property for agriculture. Subject to bonding and other conditions, the Commission resolved to allow the proposed mushroom processing facility on the strength of the applicant's commitment to use the south half of the property for agriculture.

-As is apparent by the aerial photograph, and previous ALC application history on the property, a mushroom processing facility, office and truck parking for the mushroom operation all exist on the subject property. These uses are in accordance with the City's A4 zone (copy attached). As the applicant explains: under current A4 zoning the following uses are permitted: Agricultural Use, Produce Processing Use and in the case of two properties mentioned in the zoning bylaw Accessory Produce Sales Use.

-The proposal is to allow the full range of uses which are in accordance with the City's A5 zone (copy attached).

-The local government staff, council and AAC all support the application. The AAC noted that the existing structure will dictate what will happen on the property as it is not viable for soil based agriculture.

-A letter from the applicant is attached to this report.

-Correspondence from the applicant explaining the financial need for the rezoning of this property to a broader

ALC STAFF COMMENTS

zone in order to attract a tenant and recently indicating that he has been “unable to find a tenant that qualifies to use the subject property with A4 zoning”. He indicates that they have been “unable to find a user mainly because farmers are allowed to construct cooler/processing facilities on their A1 zoned farms.” Further, the applicant explains that he has been in conversations with “an egg producer and an agricultural farm machinery company as possible users”. He further indicates that “both of these would require A5 zoning and are unwilling to make a commitment until there is some assurance that the zoning will be changed.”

-The Commission would be providing substantial and perhaps inappropriate flexibility in authorizing Abbotsford to make this zone change, because the Commission would be consenting to allowing any of the permitted uses within the zone. Given the debilitation of the front part of the property, the Commission could agree in principle subject to review of a specific proposal for the front part of the property, with the rear part of the property to be used for agriculture.

ATTACHMENTS

51777 zoning info.pdf
51777 info from applicant.pdf
51777 lg report.pdf
51777_ContextMap20k.pdf
51777_AgCapabilityMap.pdf
51777_OrthophotoMap.pdf

END OF REPORT

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