



Agricultural Land Commission
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www.alc.gov.bc.ca

December 10, 2012

ALC File: # 52825

Pacific Coast Fruit Products Ltd.
Copper Seven Enterprises Inc.
90 Winson Road
Abbotsford, BC
V2S 8E8

Attention: Mr. Cam Watt

Re: **Application to Conduct a Non-Farm Use on Land in the Agricultural Land Reserve (ALR)**

Please find attached the Minutes of Resolution # 349/2012 as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly. The Commission draws your attention to sections 33(1) of the *Agricultural Land Commission Act*.

Section 33(1) of the *Agricultural Land Commission Act* provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

- 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.

A revised proposal does not constitute new evidence and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

Further correspondence with respect to this application should be directed to Eamonn Watson (Eamonn.Watson@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to be 'Brian Underhill', written over a long horizontal line.

Brian Underhill, Executive Director

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Enclosure: Minutes of Resolution #349/2012

cc: City of Abbotsford (3040-20/A12-002)

EW/52825d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 20, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #52825.

COMMISSION MEMBERS PRESENT:

Gordon Gillette	Vice-Chair (Chair of Meeting)
Jennifer Dyson	Vice-Chair
Sylvia Pranger	Vice-Chair
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Eamonn Watson	Land Use Planner
Colin Fry	Executive Director

PROPOSAL

Pacific Coast Fruit Products Ltd. is seeking permission to use an existing receiving, freezing and packing facility located on the subject property for the processing of fruit. The operators are also applying to continue using a residence on the property as an office (the conversion of which has already been mostly completed). The property is 10.2 ha in size.

(Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

SITE INSPECTION

A site inspection of the subject property was conducted on August 17, 2012. Those in attendance included Commissioner Pranger, ALC Planner Eamonn Watson, Cam Watt, Jesse Brar, Ellen Macintyre and Fred Vinnish.

The facility on the subject property, along with the office space and property itself were toured. In addition, the Pacific Coast Fruit Products Ltd. facility located at 34352 Industrial Way (outside the ALR) was visited.

Section 14(2) of the *Agricultural Land Commission Act* provides that a member of the Commission who was not present at a meeting to determine an application or other matter may vote on the application or matter only if a summary of the meeting is given to the member before the vote. Commissioner Pranger gave a verbal summary of the site inspection to all Commission members recorded above.

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

6 The following are the purposes of the commission:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
- (c) 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.

COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

1. To assess the agricultural capability of the property, the Commission referred to BC Land Inventory (BCLI) mapping, 'Land Capability Classification for Agriculture in B.C.' system. The improved agricultural capability ratings applicable to the subject property are:

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

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

The subclass limitation is (T) topography.

Conclusion: The property is comprised of land with good agricultural capability.

2. With regard to the agricultural suitability of the property the Commission noted that the majority of the land has been improved for soil bound agricultural use and has supported berry production.

Conclusion: The property is suitable for agricultural use.

3. With regard to the processing component of the proposal the Commission noted that even if the maximum usable area of the property was in agricultural production, the volume of production would only constitute a minor amount of the total product throughput associated with the facility. This is an industrial scale business. The applicant essentially receives agricultural products from producers and processes the products for market.

The applicant argues its proposal should be allowed in the ALR as the facility provides needed infrastructure for local producers. However, the Commission finds this argument very narrow and without consideration to the potential impacts to the ALR on a provincial scale. If the Commission were to accept the applicant's argument, the same argument could extend to other commercial / industrial facilities such as feed mills, dairy processing facilities, abattoirs, farm equipment sales and repair, fertilizer plants, etc. The facility under application is not a farm use.

Conclusion: This is an industrial scale business that is more appropriately located on suitably zoned land located outside the ALR.

4. With regard to the conversion of the residence into a corporate office.

Conclusion: This is an industrial scale business that is more appropriately located on suitably zoned land located outside the ALR.

IT WAS

MOVED BY: Commissioner Thibeault

SECONDED BY: Commissioner Dyson

THAT the application be refused.

AND THAT the applicant is ordered to relocate its corporate offices off the property to an appropriately zoned property situated outside the ALR. The applicant is required to submit its relocation plan and timeline to the Commission within 30 days from the date of the Commission's letter communicating this decision.

CARRIED

Resolution #349/2012