



Agricultural Land Commission
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June 20, 2013

ALC File: 52701

Harm and Magdalene Vanderlinde
37523 Maher Road
Abbotsford, BC
V3G 1W4

Dear Mr. and Mrs. Vanderlinde,

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

Please find attached the Minutes of Resolution #148/2013 as it relates to the above noted application.

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 horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #148/2013

cc: City of Abbotsford (File: 3040-20/A11-015)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 21, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to the Request for Reconsideration of Application #52701.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Sylvia Pranger	Commissioner
Jim Johnson	Commissioner

COMMISSION STAFF PRESENT:

Colin Fry	Executive Director
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REQUEST FOR RECONSIDERATION

The Commission received a letter dated March 11, 2013 requesting reconsideration of its decision recorded as Resolution #335/2012, by which, the proposal to use an existing hayloft for events once or twice a week, seasonally, was refused.

Owner: Harm and Magdalene Vanderlinde

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

The applicants sought the Commission's approval to use an existing hayloft for events once or twice a week, seasonally. At these events the applicants plan to promote and educate guests about their hog production and pork products, as well as providing visitors the opportunity to taste and experience country life in Sumas Prairie. The applicants have hosted occasions in the barn for celebrations, fundraising, youth events and meetings with neighbours.

The hayloft in question is part of a hip roof barn, approximately 25 by 10 metres. The applicants do not intend to make any physical alterations to the barn, which is currently empty. In addition, there is sufficient room for parking with no need to use farmed land.

Original Decision: The application was refused.

Current Request: That the Commission reconsider its decision to refuse the non-farm use.

Legal: PID: 007-521-928
Parcel "A" (Reference Plan 5428), North East Quarter, Section 5,
Township 19, New Westminster District

Location: 37523 Maher Road, Abbotsford

LEGISLATIVE CONTEXT FOR COMMISSION RECONSIDERATION

Section 33 (Reconsideration of decisions) of the *Agricultural Land Commission Act* states:

- 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.

DECISION REGARDING THE REQUEST FOR RECONSIDERATION

The Commission believes that the applicants have provided evidence that was not available at the time of the previous decision. Specifically, the Commission was provided a better understanding of the farm operation and the limited impact the proposed use would present to the farm activity.

As a result, the Commissioner decided that Resolution #335/2012 be reconsidered. By way of its letter dated April 30, 2013, the Commission notified the City of Abbotsford of its intention to reconsider Resolution #335/2012.

SITE INSPECTION

A site inspection was conducted on May 21, 2013 at the subject property. Those in attendance included Commissioners Bullock, Pranger and Johnson, Colin Fry, ALC Executive Director, and Harm and Magdalene Vanderlinde.

The Commissioners were provided a tour of the event venue and gained a better understanding of how the farm and proposed non-farm use would operate. The proposed non-farm use would present little or no change to the farm and would provide an opportunity for the applicants to diversify their farm income.

COMMISSION CONSIDERATION

After considering the new information, the site inspection and the file material the Commission concluded as follows:

The proposed use of the hayloft for events once or twice a week, seasonally, would have little or no impact on the farm activity. The Commission believes with appropriate conditions the proposed use would be a successful addition to the farm operation.

IT WAS

MOVED BY: Commissioner Pranger

SECONDED BY: Commissioner Johnson

THAT the request to use an existing hayloft for events once or twice a week, seasonally, be approved.

AND THAT the approval is subject to the following conditions:

- The use of the hayloft must be substantially compliant with the information submitted with the application and request for reconsideration;
- No new structures may be constructed, with the exception of those permitted by the *Agricultural Land Commission Act*;
- Kitchen, catering or other such improvements must not be added to the existing building;
- Events may be held once or twice a week, seasonally; and
- Approval for non-farm use is granted for the sole benefit of the applicants (Harm and Magdalene Vanderlinde) and is non-transferable.

AND FINALLY THAT 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

Resolution #148/2013