



Agricultural Land Commission
133-4940 Canada Way
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www.alc.gov.bc.ca

October 27, 2014

ALC File: 53693

Neal and Natalie teBrinke
1278 Tranmer Road, P.O. Box 355
Agassiz, BC V0M 1A0

Dear Mr. and Mrs. teBrinke:

Re: Application for Non-Farm Use on Land in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution #287/2014 as it relates to the above noted application. The Commission has also attached a sketch plan depicting the decision.

Further correspondence with respect to this application is to 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 'Colin J. Fry', written over a horizontal line.

Colin J. Fry, Chief Tribunal Officer

Enclosures: Minutes of Resolution #287/2014
Sketch plan

cc: District of Kent (File #ALC14-02)
BC Assessment (Fraser Valley Office)

53693d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on August 6, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53693.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Gordon Gillette	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner

COMMISSION STAFF PRESENT:

Tony Pellett	Planner
Jennifer Carson	Planner
Eamonn Watson	Planner

PROPOSAL (Submitted pursuant to s. 20(3) of the *Agricultural Land Commission Act*)

To continue to operate an electrical contracting business and shop on the subject property; the business has been operating on the subject property for 20 years.

PROPERTY INFORMATION:

Owners: Neal teBrinke and Natalie Jane teBrinke (As joint tenants)

Legal: PID: 027-876-250
Lot 2, District Lot 38, Group 1, Yale Division Yale District, Plan BCP40208

Location: 1278 Tranmer Road, Agassiz

Size: 6.4 ha

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:

The Commission took into consideration both the information provided by the applicant as well as the information provided by the District of Kent, including but not limited to, recommendations in this regard. The applicants have been operating a small electrical business on the subject property for 20 years in conjunction with their farm.

Conclusion:

The Commission determined that in this particular case, the continuation of the business is not problematic provided it is contained within the existing footprint and will be discontinued when the applicants no longer own the property, or within forty (40) years, whichever occurs first.

Although the proposal for non-farm use may not be directly consistent with objective of the *Agricultural Land Commission Act* to preserve agricultural land, the Commission believes the continued use will not have an adverse impact on the land provided no expansion occurs.

IT WAS

MOVED BY: **Commissioner Bullock**
SECONDED BY: **Commissioner Johnson**

THAT the request to continue to utilize a portion of the subject property for the purpose of the existing electrical business be approved.

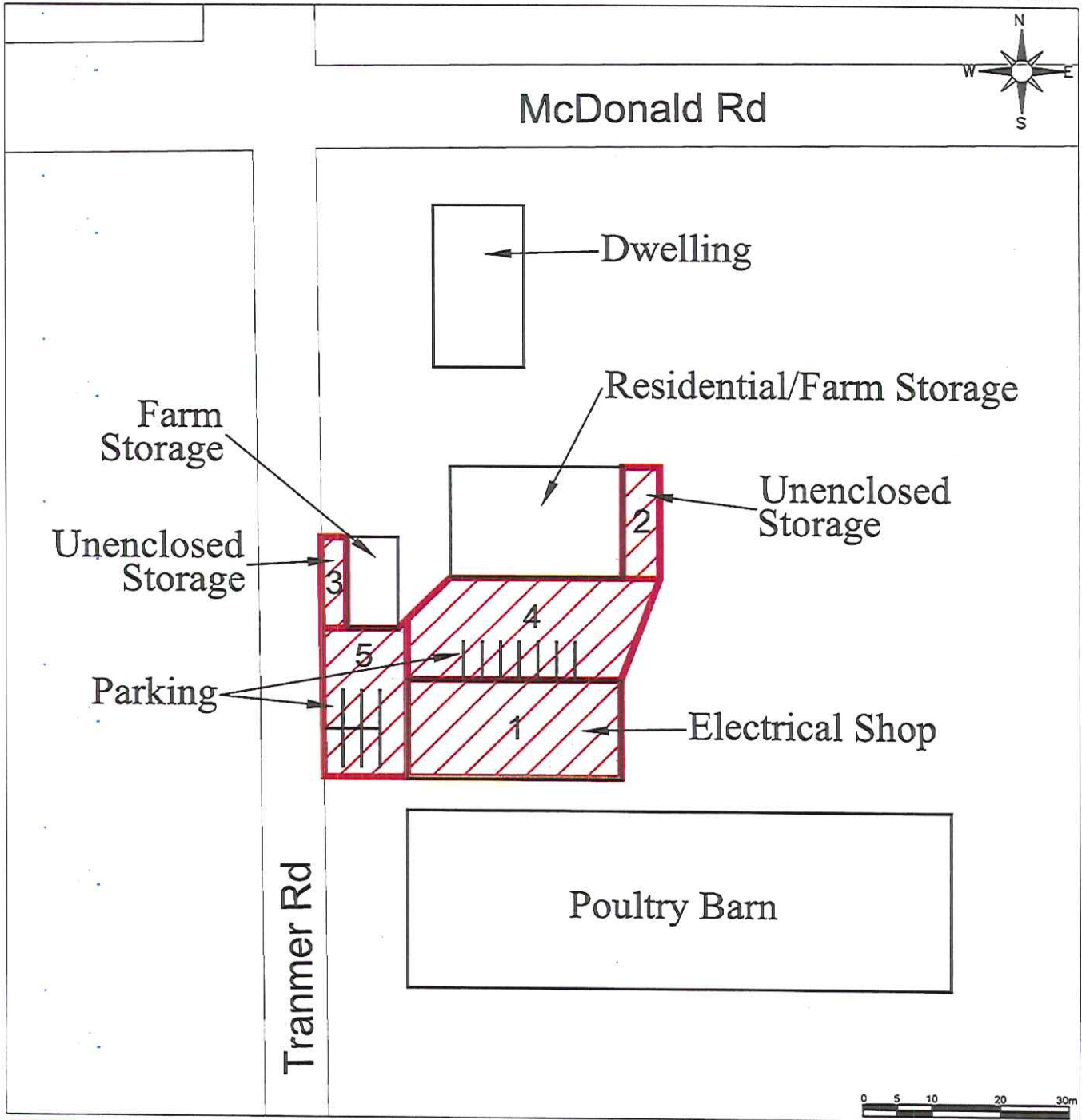
AND THAT the approval is subject to the following conditions:







1. The area used by the business must not exceed the existing electrical shop of 333 m², the 748.3 m² for parking and 36.2 m² for unenclosed storage;
2. The business is not to be sold as a going concern should the subject property sold in the future. Should the applicants be preparing to sell the subject property at any time, the buildings and area utilized by the business must be dismantled, converted to an acceptable agricultural use and/or decommissioned as appropriate;
3. The registration of a restrictive covenant in favour of the District of Kent, as proposed by the District of Kent, to ensure that the business be located on the subject property for no longer than an additional forty (40) years, or until the subject property is sold, whichever comes first;
4. Approval for non-farm use is granted for the sole benefit of the applicant (Neal and Natalie teBrinke) and their children and is non-transferable beyond this restriction.

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 #287/2014

Site Plan with Business Areas - 1278 Tranmer Road



-  Business Area 1 = 96' x 40' - 16' x 16' (mechanical) = 3,584ft² = 333m²
-  Business Area 2 = 7' x 30' = 210ft² = 19.5m²
-  Business Area 3 = 6' x 30' = 180ft² = 16.7m²
-  Business Area 4 = 56' x 96' = 5,376ft² = 499.4m²
-  Business Area 5 = 71' x 39' = 2,679ft² = 248.9m²
-  Total Business Area = 1,118m² (12,034ft²) ±

Total Business Area approved by
Resolution # 287/2014

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PROV. AGRICULTURAL
LAND COMMISSION
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