



Agricultural Land Commission
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June 23, 2016

ALC File: 54278

Vien Quach
New Land Mushroom Farm Ltd.
28345 King Road
Abbotsford, BC V4X 1C9

Dear Mr. Quach:

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

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #233/2016) as it relates to the above noted application. As agent, it is your responsibility to notify your client accordingly. A sketch plan depicting the decision has been attached.

Your attention is drawn to s. 33(1) of the *Agricultural Land Commission Act* which provides a person affected the opportunity to submit a request for reconsideration.

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.

Please note that pursuant to s. 33.1 of the *Agricultural Land Commission Act*, the Chair may direct the executive committee to reconsider this panel decision if, within 60 days from the date of this decision, he considers that the decision "may not fulfill the purposes of the commission as set out in section 6". I can advise you that in this case, the Chair has already reviewed the decision and has instructed me to communicate to you that he does not intend to exercise that authority in this case.

Further correspondence with respect to this application should be directed to Liz Sutton at (Elizabeth.Sutton@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Colin J. Fry, Director of Policy and Planning

Enclosures: Reasons for Decision (Resolution #233/2016)
Sketch Plan

cc: City of Abbotsford – Attention: Matt Steyer (File: 3040-20/A14-023), via electronic mail

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AGRICULTURAL LAND COMMISSION FILE 54278

**REASONS FOR DECISION
OF THE SOUTH COAST PANEL**

Application submitted pursuant to s. 20(3) of the *Agricultural Land Commission Act*

Applicant:

**New Land Mushroom Farm Ltd.
(the "Applicant")**

Application before the South Coast Regional Panel:

**William Zylmans, Panel Chair
Gordon McCallum
Satwinder Bains**



THE APPLICATION

[1] The legal description of the property involved in the application is:

Parcel Identifier: 001-153-536

Lot "B", Section 16, Township 13, New Westminster District, Plan 6911
(the "Property")

[2] The Property is 24.2 ha in area.

[3] The Property has the civic address 28345 King Road, Abbotsford.

[4] The Property is located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").

[5] The Property is located within Zone 1 as defined in s. 4.2 of the ALCA.

[6] Pursuant to s. 20(3) of the ALCA, the Applicant is applying to continue stockpiling, mixing and processing spent mushroom substrate that is generated by the existing farm operation on the Property for distribution and sale (the "Proposal"). The Proposal would be conducted on a portion of the Property approximately 0.5 ha in area. The Proposal along with supporting documentation is collectively referred to hereafter as the "Application".

[7] On November 6, 2015, the Chair of the Agricultural Land Commission (the "Commission") referred the Application to the South Coast Regional Panel (the "Panel").



RELEVANT STATUTORY PROVISIONS

[8] The Application was made pursuant to s. 20(3) of the *ALCA*:

20(3) An owner of agricultural land or a person with a right of entry to agricultural land granted by any of the following may apply to the commission for permission for a non-farm use of agricultural land.

[9] The Panel considered the Application within the context of s. 6 of the *ALCA*:

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.

EVIDENTIARY RECORD BEFORE THE PANEL

[10] The Panel considered the following evidence:

1. The Application;
2. Local government documents; and
3. Agricultural capability map, ALR context map and satellite imagery.

[11] The City of Abbotsford resolved to forward the Application to the Commission “with support.”



SITE VISIT

[12] The Panel, in the circumstances of the Application, did not consider it necessary to conduct a site visit to the Property based on the evidentiary record associated with the Application.

FINDINGS

[13] The Applicant has been operating the mushroom farm on the Property since 1985. The footprint of the Proposal (approximately 0.5 ha) is relative small and the Proposal aligns with the agricultural use of the Property. The Panel finds that the Proposal provides an important service to the existing agricultural operation and the continued use of the Property as outlined in the Application would have a positive impact on the agricultural operation.

[14] The Proposal would locate the processing of spent mushroom substrate on the same property as where it is being produced, a mushroom operation. The Panel recognizes the need to process spent mushroom substrate and finds that centralizing these activities on the Property would be beneficial to the agricultural operation.

DECISION

[15] For the reasons given above, the Panel approves the Proposal to continue stockpiling, mixing and processing spent mushroom substrate that is generated by the existing farm operation on the Property for distribution and sale.

[16] The Proposal is approved subject to the following conditions:

- a. The stockpiling, mixing and processing of spent mushroom substrate must be in substantial compliance with the information submitted with the Application;
- b. The stockpiling, mixing and processing of spent mushroom substrate must be limited to the general area identified in the Application (approximately 0.5 ha); and
- c. The approval is granted for the sole benefit of the Applicant and is non-transferable.



[17] 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.

[18] Panel Chair **William Zylmans** concurs with the decision.
Commissioner **Gordon McCallum** concurs with the decision.
Commissioner **Satwinder Bains** concurs with the decision.

[19] Decision recorded as Resolution #233/2016.

A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *ALCA*.

Upon instruction of the Panel, I have been authorized to release the Reasons for Decision by Resolution #233/2016. The decision is effective upon release.



Colin J. Fry, Director of Policy and Planning

June 23, 2016
Date Released

ALC Application ID 54278
Resolution #233/2016
Approved Mushroom Substrate Operation
Approximately 0.5 ha

