



Agricultural Land Commission
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December 1st, 2016

ALC File: 55474

Jamie Reynolds
6110 Mountain View Rd
Agassiz, BC V0M 1A4

Dear Mr. Reynolds:

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

Please find attached the Reasons for Decision of the South Coast Panel (Resolution #414/2016) as it relates to the above noted application. A sketch plan depicting the decision is also attached. As agent, it is your responsibility to notify the applicant accordingly.

Reconsideration of a Decision as Directed by the ALC Chair

Please note that pursuant to [s. 33.1 of the *Agricultural Land Commission Act*](#), the Chair may direct the executive committee to reconsider any 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 s. 6, or does not adequately take into consideration s. 4.3.

You will be notified in writing if the Executive Committee is directed to reconsider your decision. The Commission advises you to take this 60 day period into consideration prior to proceeding with any actions upon this decision.

Reconsideration of a Decision by an Affected Person

We draw your attention 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.

For further clarity, s. 33.1 and s. 33(1) are separate and independent sections of the *Agricultural Land Commission Act*.

Further correspondence with respect to this application is to be directed to Kelsey-Rae Russell at (KelseyRae.Russell@gov.bc.ca).

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Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read "K Russell". The signature is stylized and cursive.

Kelsey-Rae Russell, Land Use Planner

Enclosure: Reasons for Decision (Resolution #414/2016)
 Sketch Plan

cc: District of Kent (File: ALC16-03)

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AGRICULTURAL LAND COMMISSION FILE 55474

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

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

Applicants:

**Jamie Reynolds
Barbara Armstrong
Tammy Robertson
(the “Applicants”)**

Agent:

**Jamie Reynolds
(the “Agent”)**

Application before the South Coast Regional Panel:

**William Zylmans, Panel Chair
Gordon McCallum**



THE APPLICATION

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

Parcel Identifier: 013-146-084

Parcel B (Reference Plan 4115), Except: part Subdivided by Plan BCP25869,
Section 24, Township 3, Range 29, West of the 6th Meridian, New Westminster

District

(the "Property")

[2] The Property is 8.4 ha in area (3.6 ha in ALR).

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

[4] The Property has the civic address 1795 Fir Ave, Agassiz, BC.

[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 Applicants are applying to utilize approximately 0.4 ha of the Property including an existing structure for three commercial businesses:

- a. Truck trailer and inboard/outboard watercraft repair, maintenance and assembly;
- b. Guide outfitting; and
- c. Taxidermy business

(the "Proposal")

The Proposal along with supporting documentation is collectively the "Application".

RELEVANT STATUTORY PROVISIONS

[7] 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.

[8] 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

[9] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Previous application history
4. Agricultural capability map, ALR context map, and satellite imagery

All documentation noted above was disclosed to the Agent in advance of this decision.

[10] At its meeting of June 27, 2016, the District of Kent Council resolved to forward the Application to the ALC with support.

[11] The Panel reviewed one previous application relating to the Property:

Application ID: 35077
Legacy File: 40745
(Caton, 2004)

To subdivide a 2.4 ha lot from the 11.9 ha property. The application was allowed on the condition that the arable



portion of the property outside of the ALR be included into the ALR. Approved by ALC Resolution #113/2004.

Note: Application ID 35077 resulted in the current configuration of the Property.

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] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified using the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system. The improved agricultural capability ratings identified on BCLI map sheet 92H/04f for the mapping units encompassing the ALR portion of the Property are approximately 50% (8:1 – 2:2T), 25% 2T, and 25% 7RT

Class 1 - land is capable of producing the very widest range of crops. Soil and climate conditions are optimum, resulting in easy management.

Class 2 - land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in management.

Class 7 - land has no capability for soil bound agriculture.

The limiting subclasses associated with this parcel of land are M (moisture deficiency), P (stoniness) and T (topographic limitations).

In this regard, the Panel finds that the majority of ALR portion of the Property has prime agricultural capability and is capable of supporting agriculture and is appropriately designated within the ALR.

[14] The accessory building in which the non-farm use businesses are currently taking place was originally utilized as a kennel. Kennels are permitted within the ALR pursuant to s. 3(1)(h) of BC Regulation 171/2002 (*Agricultural Land Reserve Use, Subdivision and Procedure Regulation*) (the "Regulation"); however, the conversion of the kennel to uses not permitted within the Regulation requires an application for non-farm use. The Panel finds that the current use of the accessory building is inconsistent with the *ALCA* and Regulation. The Panel believes that the building could be utilized for farm use or other uses permitted within the ALR Regulation and *ALCA*.

[15] The Panel considered the three businesses currently taking place on the Property: truck trailer and inboard/outboard watercraft repair, maintenance and assembly; guide outfitting, and taxidermy business. The Panel is not amenable to the number of non-farm use activities taking place on the Property.

[16] The Panel has been put in a difficult position whereby the proposed non-farm use, is in fact, an existing non-farm use. In a situation where the Panel must retroactively consider a non-farm use, the Panel must give consideration as to whether or not it would have allowed the proposed use if the contravention had not taken place. The Panel finds that the Proposal for a truck trailer and inboard/outboard watercraft repair, maintenance and assembly would be more appropriately located on non-ALR lands. In order to provide the Applicants with a reasonable amount of time to relocate their business, the Commission will not take any enforcement actions for one year from the date of this decision.

[17] The taxidermy and guiding outfit are operated within two rooms, comprising a 110m² area, within the 407m² accessory building on the Property. In addition, the Applicant stores guide outfitting camp gear in a 10m² area outside of the accessory building. Given the small footprint size and low impact nature of these operations, the Panel is amenable to allowing the taxidermy and guiding outfit business to remain in operation on the Property in its current configuration, provided it does not expand or relocate elsewhere on the Property.

DECISION

[18] For the reasons given above, the Panel refuses the Proposal as proposed.

[19] The Panel approves a non-farm use for the operation of a taxidermy and guiding outfit subject to the following conditions:

- a. The approval is valid for the 110m² area inside the accessory building and 10 m² area outside the accessory building;
- b. The non-farm uses must remain in their current locations and footprints.
- c. approval for the non-farm uses is granted for the sole benefit of the Applicants and is non-transferable.

[20] 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.

[21] These are the unanimous reasons of the South Coast Panel of the Agricultural Land Commission.

[22] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *Agricultural Land Commission Act*.

[23] This decision is recorded as Resolution #414/2016 and is released on December 1st, 2016.

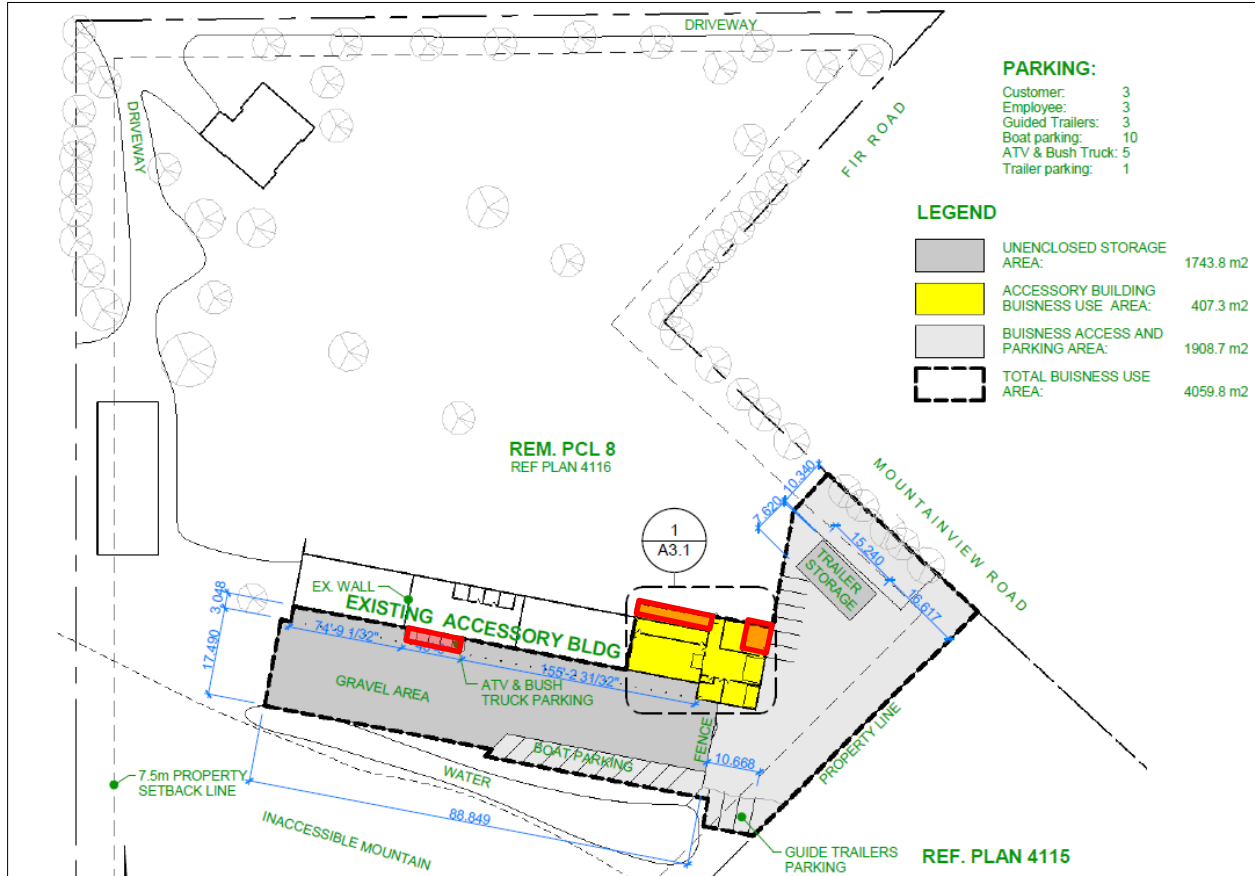
CERTIFICATION OF DECISION



William Zylmans, Panel Chair, on behalf of the South Coast Panel

END OF DOCUMENT

Application ID# 55474 (Reynolds)
Conditionally Approved Non-Farm Use
ALC Resolution # 414/2016



Conditionally Approved Non-Farm Use Area (110m² within the building and 10m² outside of the building for storage)