

# PUBLIC NOTICE



Proposed Agricultural Land Reserve (ALR) Exclusion

## NOTICE OF PUBLIC HEARING

**Date & Time:** February 10, 2025 at 6:00 pm

**Location:** 7170 Cheam Avenue, Agassiz, BC  
or [kentbc.ca](http://kentbc.ca) (registration for live-stream required)

Council of the District of Kent will be holding a Public Hearing to consider referral of the Agricultural Land Reserve exclusion application for the subject property to the Agricultural Land Commission.

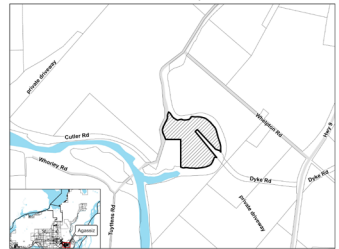
**If approved by the Agricultural Land Commission, the hillside portion of 846 Tuytens will be excluded from the Agricultural Land Reserve to facilitate a subdivision.**

### For More Information

Contact: Acting Director of Development Services  
Phone: (604) 796-2235 | Email: [planning@kentbc.ca](mailto:planning@kentbc.ca)

### Subject Property: 846 Tuytens Road

Location Map



### View Documents

Copies of the reports and background materials will be available for viewing on-line at [kentbc.ca](http://kentbc.ca) and in the front foyer at Municipal Hall, 7170 Cheam Avenue, from January 24 to February 10, 2025 during regular office hours of 8:30 am to 4:30 pm excluding holidays.

### Send Your Comments

**Email:** [planning@kentbc.ca](mailto:planning@kentbc.ca)

**Mail:** Acting Director of  
Development Services

District of Kent  
PO Box 70  
Agassiz, BC V0M 1A0

All comments will be distributed to Council. Comments must be received by 12:30 pm, February 10, 2025.

### Attend and Speak

Anyone is welcome to attend the Public Hearing. At the meeting, you will be given the opportunity to present your views on the proposed exclusion application directly to Council.

In addition to attending in-person, the Public Hearing will be streamed via Microsoft Teams. Registration for the live-stream is available on [kentbc.ca](http://kentbc.ca).

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## REPORT TO COUNCIL

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**DATE:** December 3, 2024 **File:** ALC 24-04

**FROM:** M. Lisa Beaulieu, A. Director of Development Services

**SUBJECT:** ALC Exclusion for portion of 846 Tuyttens Road

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**RECOMMENDATION:**

**THAT** Council direct staff to prepare an Agricultural Land Reserve (ALR) exclusion application for property at 846 Tuyttens Road.

**AND THAT** Council considers setting a public hearing date for February 10<sup>th</sup>, 2025 at 6:00 pm to fulfill the requirements of the *Agricultural Land Commission Act*.

**PROPERTY INFORMATION:**

Civic Address:	846 Tuyttens Road
Applicant:	Wade Godin
Owner:	Discovery Mountain Developments Ltd
Proposal:	To exclude a portion of ALR land (hillside) and then subdivide from lower agricultural land.
OCP:	Agricultural
DPA:	Not in DP area
Zoning:	Agricultural (A)
ALR:	Yes
Site size:	5.86 hectares
Legal Description:	Lot 2 DL 35 Group 1 Yale Division Yale District Plan BCP12639
Site Description:	2.7 (+-) ha relatively flat and currently in forage production. 3.1 (+-) ha hillside varying in topography with complex slopes, exposed bedrock and large surface cobbles.
Surrounding Uses:	Agassiz Slough surrounds a good portion of the property, agricultural uses beyond property and slough.

CAO  
 Regular  
 In Camera  
 Public Hearing  
 Agenda Date Dec. 9/24  
 Agenda Place Report #1  
 Other \_\_\_\_\_

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**BACKGROUND:**

Due to changes in the ALC Act, private landowners are no longer able to make an application for ALR exclusion. As a result, only a local government, First Nations or other prescribed bodies<sup>1</sup> may submit an exclusion application to the ALC. As an application for exclusion can only be initiated by the District, staff seek Council endorsement to prepare the application as requested by the applicant.

**DISCUSSION:**

In June 2024 McTavish Resource and Management Consultants conducted an agricultural land capability assessment based on existing information and a detailed soil survey and site visit with the objective to evaluate current and potential capability of the property.

The site is 5.8 hectares in size. Approximately 2.7 hectares of the site is relatively flat and currently in forage crop production. The remaining 3.1 hectares is a hill of varying topography with complex slopes and elevations that range from 16 to 41 metres above sea level, and has exposed bedrock, and large surface cobbles.

The owner/applicant provided the following commentary on the history of this section of the site:

"The history of this protruding piece of bedrock is that the bulk of this mountain was blasted and used as rip rap along the north shores of the Fraser River in the early 1960s to protect farmland in the area from erosion."

The findings from the soil survey, although consistent with the soil series mapped over the site, were not consistent with the area and extent observed for those soils or the mapped agricultural capability for the site. The hill capability classification remained consistent with mapping, but the area extent impacted by complex topography was expanded from 1.7 hectares to 2.9 hectares. The capability rating for the production fields were changed from Class 2 to Class 4 soils with limitations of excess water and aridity to 100% Class 3 soils with limitations of excess water and aridity based on the soils observed, topography, and the position within the landscape.

The farm fields are suited for a wide range of crops; however, agricultural production in the hillside is impractical due to steep, complex slopes, areas with exposed bedrock, and large amounts of surface cobbles

The soils present on the hill are part of the Ryder Soil Management Group as described by Bertrand et al. (1991). Based on the field assessment results and inputs required to improve agricultural capability, the hill cannot be improved from its current Class ratings as improvements to topography, bedrock at the surface and presence of large amounts of cobbles are generally considered impractical. The topography of the hill has been altered by blasting to allow for a direct access road to the site from Tuyttens Road. However, reducing slopes across all hill areas with exposed bedrock would require substantially more blasting and rock picking and would not necessarily improve the agricultural capability of the hill due to increased erosion risks.

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<sup>1</sup> Prescribed bodies could include BC Hydro, Health Boards, School Boards and Improvement Districts.

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In conclusion, the agricultural land capability assessment revealed that while the farm fields are suitable for a wide range of crops, the hillside is impractical for agricultural production due to its complex topography and the presence of bedrock and cobbles. Despite the altered topography, improving the agricultural capability of the hill is not possible.<sup>2</sup>

Mr Laurens van Vliet, a retired soil scientist and agrologist provided an open letter sharing his opinion as an expert in this field, supporting the exclusion of the hillside portion of the property. This is attached as Appendix “C” to this report.

The applicant has also submitted an example of a small hill located in the Columbia Valley (Chilliwack area), that is surrounded by farmland. This hillside was not included in the ALR and is similar to Discovery Mountain (846 Tuyttens Road), in topography and ecology. The ALR map for this is included as Appendix “D”.

#### **Kent Agricultural Advisory Committee (KAAC):**

At the KAAC meeting of November 22, 2024, the Committee supported the exclusion of the hillside portion of the property from the ALR.

This process includes preparing the application, newspaper notifications, installation of signage, prescribed meetings between staff, the ALC and applicant/agent, a public hearing and a Council resolution to forward the application to the ALC. In conclusion, should Council recommend an exclusion application, staff will initiate the process required by the ALC.

#### **BUDGETARY CONSIDERATIONS:**

The applicant has paid \$750 towards the \$1500 fee that is prescribed by the ALC.

When applications were made directly to the ALC by a private landowner the costs for administration, advertising and public information meetings were borne by the private landowner advocating for the exclusion. As these functions are now the responsibility of the local government, staff will recover these costs with this application if supported by Council. The fee recommended for this would be \$1500 and in addition to the ALC prescribed fee.

#### **POLICY CONSIDERATIONS:**

Requires Council resolution pursuant to:

The *Agricultural Land Commission Act* Section 29(1) limits exclusion applications to the Province, local, and First Nations government and prescribed public bodies. Individual property owners are no longer able to apply to exclude land from the ALR.

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<sup>2</sup> McTavish Resource & Management Consultants Ltd. Agricultural Capability Report for 846 Tuyttens Road dated June 2024.

**ALTERNATIVES/OPTIONS:**

- 1) Staff's recommendation
- 2) Do not support recommendation
- 3) Request further information

**ATTACHMENTS:**

- 1) Appendix A: Location Map
- 2) Appendix B: 2023 Aerial Map
- 3) Appendix C: Open letter from Mr Laurens van Vliet
- 4) Appendix D: ALR Map Columbia Valley (Chilliwack)

Reviewed and Approved for  
consideration



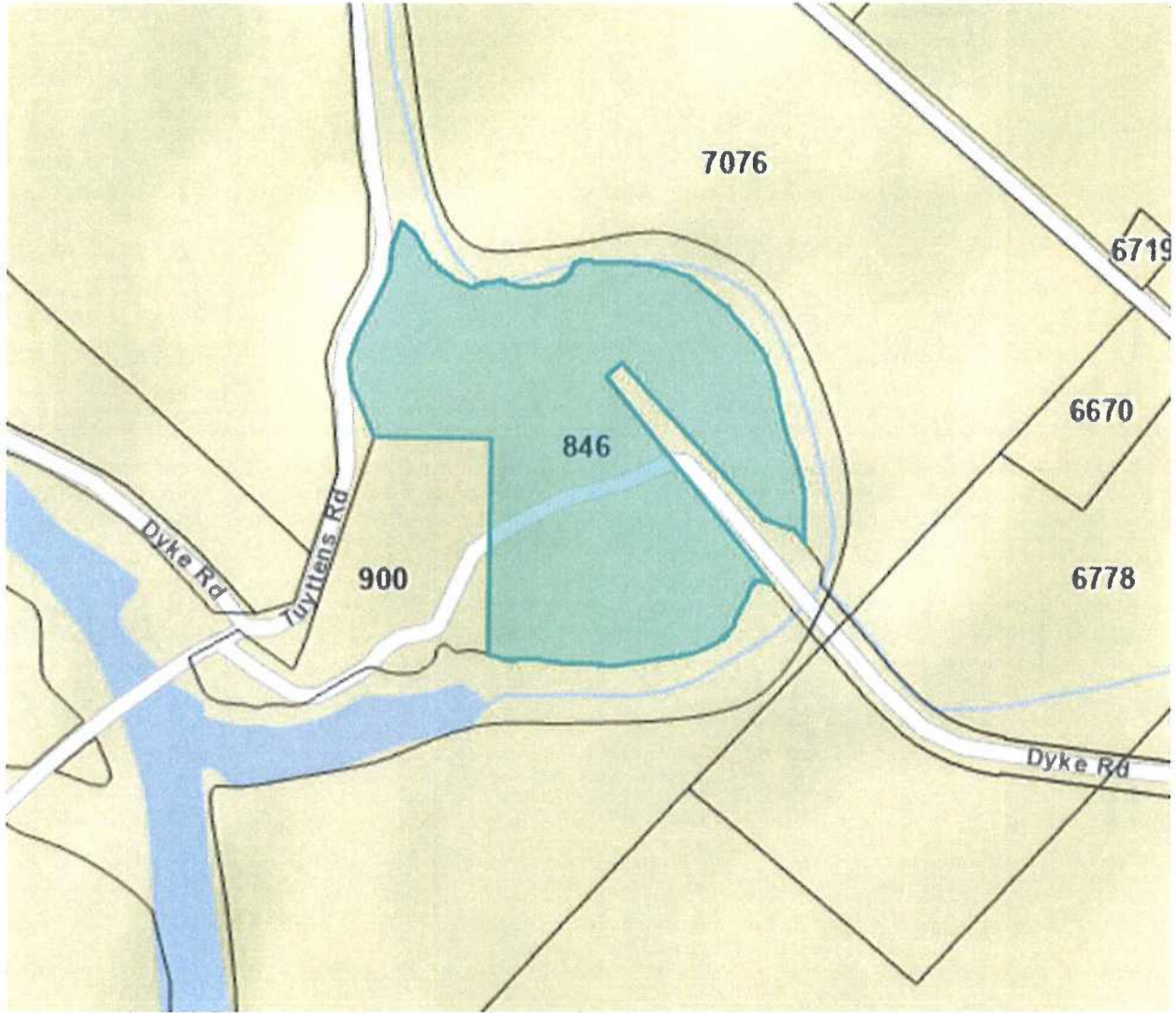
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M. Lisa Beaulieu,  
A-Director of Development Services

Approved for submission by



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Wallace Mah,  
Chief Administrative Officer

### APPENDIX A - Location Map





### APPENDIX B - Aerial Map





# APPENDIX C – OPEN LETTER FROM LAURENS VAN VLIET<sup>69</sup>

**From:** Laurens van Vliet [REDACTED]  
**Sent:** Monday, June 24, 2024 12:46 PM  
**To:** Neal teBrinke [REDACTED]  
**Cc:** Laurens van Vliet [REDACTED]  
**Subject:** 846 Tuyttens Road property, Agassiz

To Mr. Neal TeBrinke,

I am writing this open letter to share my evaluation with you that 7 acres of the 15 acre property at 846 Tuyttens Road is misclassified and should be excluded from the Agriculture Land Reserve (ALR) as it would better serve the community for another purpose.

As a retired soil scientist and agrologist, I am sharing my opinion as an expert in this field.

I am very knowledgeable about Agricultural Capability Classifications. First through my Master of Science studies at the University of Guelph focusing on land use and land classification systems, and my M.Sc. Thesis Research Project: "A proposed Agriculture Capability Classification System for Tree Fruits" (published in the Canadian Journal of Soil Science). And secondly, through my working knowledge and experience during the detailed Soil Survey of the Gulf Islands, making soil interpretation ratings for Agriculture Capability (van Vliet, LJP et al. 1987. Soils of the Gulf Islands of British Columbia, Volume 1, Soils of Saltspring Island, 1987).

Prior to the creation of the Agricultural Land Reserve (ALR) in British Columbia in 1973, there was a concerted effort by soil specialists and soil scientists to make Agriculture Capability ratings from whatever soil maps were available, supplemented by soil information gained through fieldwork and mapping during a limited time period. Areas for which

soil maps were available, the scale on the map did not always provide for sufficient detailed resolution resulting in small non-agricultural suitable areas to be included into the ALR. For example, areas with steep to very steep topography (T), or with bedrock exposures, or very shallow soils to bedrock (R), mapped as Agriculture Capability Class 7RT or Class 6RT.

Such is the case for the 7 acres at 846 Tuyttens Road based on my on-site inspection: 8 acres of prime agricultural land (valley floor) with a significant non-agricultural inclusion (7 acres) of steep to very steep slopes (topography) containing shallow to very shallow soils over bedrock interspersed with bedrock exposures.

Hence, I support removing from the ALR the aforementioned 7 acres of inclusion of non-agriculture suitable area that could better benefit the surrounding community.

Respectfully submitted,

Laurens van Vliet, M.Sc.  
Retired Soil Scientist,  
Agassiz, BC

Copy to:  
The Provincial Agricultural Land Commission,  
The District of Kent Council, and  
The District of Kent Director of Development  
Direct



