



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
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[www.alc.gov.bc.ca](http://www.alc.gov.bc.ca)

March 5, 2014

ALC File: 53057

Sanborn & Associates Inc.  
206 – 45750 Knight Road  
Chilliwack, BC  
V2R 0G1

**Attention: Grant Sanborn**

Dear Mr. Sanborn:

**Re: Application to Exclude Land from the Agricultural Land Reserve (ALR)**

Please find attached the Minutes of Resolution #77/2014 as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly.

By way of a copy of this letter, the Commission is advising the Registrar of Land Tittles of its order and confirming that the ALR notation is to be removed from Certificate of Title BN329200.

The Commission would also like to extend its appreciation to the City of Chilliwack for the work on its Draft Official Community Plan and the involvement of the Commission in this process.

Further correspondence with respect to this application should be directed to Eamonn Watson ([Eamonn.Watson@gov.bc.ca](mailto: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

Enclosure: Minutes of Resolution #77/2014

cc: City of Chilliwack – Attention: Gillian Villeneuve (3370-20 (ALR00242))  
8550 Young Road, Chilliwack, BC V2P 8A4

Land Title Division – New Westminster Land Title Office  
Suite 300 – 88 Sixth Street, New Westminster, BC V3L 5B3

BC Assessment – Fraser Valley Office – Attention: John Green  
240 – 31935 South Fraser Way, Abbotsford, BC V2T 5N7

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## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on January 23, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53057.

### COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Jim Collins	Commissioner

### COMMISSION STAFF PRESENT:

Tony Pellett	Planner
Jennifer Carson	Planner
Lindsay McCoubrey	Planner
Eamonn Watson	Planner
Colin Fry	Executive Director

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**PROPOSAL** (Submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*)

To exclude the 7.7 ha subject property from the Agricultural Land Reserve (ALR).

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### PROPERTY INFORMATION:

**Owner:** William Eric Higginson and Irene Margaret Higginson (As Joint Tenants)

**Legal:** PID: 024-679-909  
Lot 3, District Lot 338, Group 2, New Westminster District, Plan LMP44347

**Location:** 45980 Higginson Road, Chilliwack

**Size:** 7.7 ha

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### EXCLUSION MEETING

An exclusion meeting was held on March 20, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. Those in attendance included the Commissioners noted above, Commissioner Denise Dowswell, Commission Staff Tony Pellett and Eamonn Watson, Bill and Renee Higginson (Applicants) and Grant Sanborn (Agent).

The Commission discussed the location of the subject property relative to development directly north and west, and future residential development to the south. It was also noted that a golf course exists directly to the east. Although the applicants and agent provided a good understanding of the limitations to the subject property, especially as it relates to the suitability of the subject property for agriculture due to the adjacent land uses, the Commission remained concerned about pursuing applications related to ALR boundary changes through solely the application process.

The Commission believed it was important to understand the local government perspective on an exclusion of this nature. In this regard, the Commission commented that understanding the City of Chilliwack's planning process, most notably the current Official Community Plan process, regarding the subject property was a preferred next step. As a result, the Commission tabled the subject application to allow more thorough discussions with the City of Chilliwack regarding their Official Community Plan process. This was communicated to the applicants, agent and City of Chilliwack on June 5, 2013.

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#### 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.

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#### COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

1. Suitability of the subject property to support agriculture.

**Conclusion:**

The Commission believes that the subject property is essentially isolated from other ALR land and that this isolation presents a barrier to the future ability to utilize the subject property for agriculture.

The subject property is adjacent to residential development to the west and north. To the south development is underway on Tzeachten First Nations lands. Directly east of the subject property is a golf course. Although the golf course is in the ALR it separates the subject property from active agriculture to the east. The golf course also provides a substantial buffer for the ALR lands to the east and supports the exclusion of the subject property as a defensible ALR boundary in the long term.

2. The City of Chilliwack's Draft Official Community Plan, specifically the identification of the subject property as being:

*Needed to complete the mixed density residential development already initiated to the west (small lot singles, suites townhomes). This is considered a remainder of an infill site that is bounded by urban development, and Kinkora golf course.*

**Conclusion:**

The Commission believes it is critical that any exclusion be considered as part of municipal and/or regional planning. In this regard, the City of Chilliwack has reviewed the subject property in this context and outlined how the end use of the subject property will support the community. The Commission has been engaged in the Official Community Plan process and the proposed exclusion is consistent with this planning work.

The Commission agrees that the subject property is essentially a remainder portion of an infill site that is bounded by urban development. As a result, the location could severely limit the ability to utilize the subject property for agriculture in the future. In addition, the Commission believes the land use identified in the Draft Official Community Plan would support the growth of the City of Chilliwack without negatively impacting additional land that is both capable and suitable for agricultural production.

**IT WAS**

**MOVED BY:** Commissioner Bullock  
**SECONDED BY:** Commissioner Miles

THAT the request to exclude the 7.7 ha subject property from the ALR be approved.

AND 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 #77/2014**