



Agricultural Land Commission
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February 11, 2016

ALC File: 54316

Robert and Carole Steger
35801 Durieu Road RR3
Mission, BC V2V 7L1

Dear Mr. and Mrs. Steger:

Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #54/2016) as it relates to the above noted application.

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 Eamonn Watson at (Eamonn.Watson@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Colin J. Fry, Chief Tribunal Officer

Enclosure: Reasons for Decision (Resolution #54/2016)

cc: Fraser Valley Regional District – Attention: Kristin Webb (File: 3015-20 2015-01)
45950 Cheam Avenue, Chilliwack, BC V2P 1N6



AGRICULTURAL LAND COMMISSION FILE 54316

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

Application submitted pursuant to s. 21(2) of the *Agricultural Land Commission Act*

Applicants:

**Robert Wayne Steger
Carole Rosa Steger
(the “Applicants”)**

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: 017-911-010

Lot A, Section 24, Township 18, New Westminster District, Plan LMP6149
(the "Property")

[2] The Property is 34.7 ha in area.

[3] The Property has the civic address 35801 Durieu Road, Mission.

[4] 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"). Generally, the western 19.9 ha of the Property is within the ALR.

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

[6] Pursuant to s. 21(2) of the *ALCA*, the Applicants are applying to subdivide the Property into two (2) lots, one (1) lot approximately 4.0 ha in size and one (1) lot approximately 30.8 ha in size (the "Application"). The proposed 4.0 ha lot is sited entirely on the portion of the Property that is in the ALR.

[7] On November 13, 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. 21(2) of the *ALCA*:

21(2) An owner of agricultural land may apply to the commission to subdivide 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
- 3. Previous application history
- 4. Agricultural capability map, ALR context map, and satellite imagery
- 5. Email dated November 19, 2015 from the Applicants

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

[11] The Fraser Valley Regional District (the "District") resolved to forward the Application to the Commission. In addition, the District requested that the Commission consider requiring an application to include the southeastern portion of the Property into the ALR as a condition should the Application be approved.

[12] The Panel reviewed one (1) previous application involving the Property:

Application ID: 41567
Legacy File: 35659

In 2005, the Commission considered an application to subdivide the Property into six (6) lots. More specifically

(Steger, 2004)

two (2) lots approximately 4.0 ha in size, two (2) lots approximately 4.1 ha in size, one (1) lot approximately 6.2 ha in size and one (1) lot approximately 11.2 ha in size. In addition, road dedication(s) would also have been required to support the proposed subdivision. The Commission, by Resolution #74/2005, approved this application subject to the condition that 4.5 ha of the southeastern portion of the property would be included into the ALR.

SITE VISIT

[13] 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

[14] 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 92G/1(g) for the mapping units encompassing the portion of the Property within the ALR are Class 2, Class 3, Class 4 and Class 7.

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 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

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



The limiting subclasses associated with this parcel of land are A (soil moisture deficiency (aridity)), D (undesirable soil structure), P (stoniness), T (topography (slope)) and W (excess water).

[15] The Panel reviewed the BCLI ratings and finds that the portion of the Property within the ALR has areas with high agricultural capability in addition to some areas with limitations. On the balance, the land making up the portion of the Property within the ALR is capable of supporting agriculture and is appropriately designated within the ALR. The Panel finds that while there are areas on the portion of the Property within the ALR with limitations to the agricultural capability, the portion of the Property within the ALR is more suitable for agriculture production if maintained as a single unit.

[16] The previous application noted at paragraph [12] was never acted on and required the inclusion of a portion of the Property into the ALR. The requirement to include land into the ALR was a significant requirement and the Panel finds that this was an integral component of the previous decision of the Commission in this regard.

[17] As noted at paragraph [11], the District had requested that the Commission consider requiring an application to include the southeastern portion of the Property into the ALR as a condition should the Application be approved. In this regard, the Applicants, by email dated November 19, 2015, stated:

We question the initiative of the [District] in asking that the [Commission] require an ALR inclusion of our 11 acre cottonwood lot, situated south of Legacy Creek, as a condition of approval. This area is designated by the [District] as a hazardous zone. The previous subdivision application (2005) was for 6 lots, was not carried through & should have nothing to do with this much more simple application.

Although the Application only involves two (2) proposed lots as opposed to the six (6) lots proposed by the previous application, the Panel is equally concerned about the potential impacts of subdividing the Property on the suitability of the land to support agriculture and on the surrounding agricultural land. In this regard, the Panel noted the potential carrying capacity of the Property for livestock production would be reduced by subdivision. More



generally, subdividing the Property would reduce the potential range of agricultural options that could be feasibly pursued on the Property.

DECISION

[18] For the reasons given above, the Panel refuses the Application to subdivide the Property into two (2) lots, one (1) lot approximately 4.0 ha in size and one (1) lot approximately 30.8 ha in size.

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

[20] Decision recorded as Resolution #54/2016.

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 #54/2016. The decision is effective upon release.



Colin J. Fry, Chief Tribunal Officer

February 11, 2016
Date Released