



Agricultural Land Commission
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June 9, 2016

ALC File: 54676

Lee Mackenzie
Greenline Management Ltd.
11579 – 196B Street
Pitt Meadows, BC V3Y 1P2

Dear Mr. Mackenzie:

Re: Application to Subdivide Land in the Agricultural Land Reserve

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #195/2016) as it relates to the above noted application. As agent, it is your responsibility to notify your client accordingly.

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 #195/2016)

cc: City of Coquitlam – Attention: Chris Jarvie (File: 08-3015-20/15 106061 AL/1)
Via electronic mail

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AGRICULTURAL LAND COMMISSION FILE 54676

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

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

Applicant:

**Newberry Farms Ltd.
(the "Applicant")**

Agent:

**Lee Mackenzie
Greenline Management Ltd.
(the "Agent")**

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: 008-546-568

Lot 13, Except Part in Plan LMP17457, Section 8, Township 40, New Westminster

District, Plan 75440

(the "Property")

[2] The Property is 66.8 ha in area.

[3] The Property has the civic address 4300 Oliver Road, Coquitlam.

[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. 21(2) of the ALCA, the Applicant is applying to subdivide the Property into three (3) lots, one (1) lot approximately 18.2 ha in size, one (1) lot approximately 28.2 ha in size and one (1) lot approximately 20.6 ha in size (the "Proposal"). The Proposal along with supporting documentation is collectively referred to hereafter as the "Application".

[7] On February 26, 2016, 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; and
- 3. Agricultural capability map, ALR context map, and satellite imagery.

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

[11] The City of Coquitlam (the “City”) resolved to forward the Application to the Commission “noting particular concerns with the size, number, and placement of new buildings on 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 92G/7(b) for the mapping units encompassing the Property are Class 2 and Class 3.

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.

The limiting subclasses associated with this parcel of land are D (undesirable soil structure), L (degree of decomposition - permeability), T (topography (slope)) and W (excess water). In addition, BCLI map sheet 92G/7(b) indicates the presence of organic soils on a portion of the Property.

In this regard, the Panel finds that the land making up the Property is capable of supporting agriculture and is appropriately designated within the ALR.

[14] Subdivision can limit the agricultural opportunities for a property in the ALR and can impact the agricultural suitability of land over the long term. The Panel finds that the Proposal is not consistent with the goals of the ALCA to preserve agricultural land and encourage agriculture and the Property should be maintained in its current size.

[15] The Commission does not generally support the subdivision of properties in the ALR into smaller parcels as it usually reduces the types of agricultural operations that can be pursued on the land. The Panel finds that subdividing the Property could potentially inhibit the future use of the Property for other types of agriculture production.

[16] The Panel acknowledges that the Application is being advanced by a large farm operation. However, the Commission has a Provincial focus and must consider all applications on the merits of the specific application within the legislated Provincial context. The Commission is also aware of the challenges related to generational transfer; however, farm estate planning and enabling the transfer of a farm to younger generations is not specifically within the legislative framework that guides the Commission. The Panel finds that the rationale provided in the Application is not sufficient to warrant supporting the subdivision of a large parcel of land in the ALR.

[17] The Panel understands, by way of the City's report titled *Proposed Subdivision of Agricultural Property within the Agricultural Land Reserve at 4300 Oliver Road – 15 106061 AL* dated October 8, 2015, that the “proposed lot sizes are greater than the minimum lot size required in the A-3 zone”, which is 8.1 ha. The Panel finds that consistency with the City's Zoning Bylaw is not sufficient justification to subdivide a property that is both capable and suitable for agricultural use in the ALR.

DECISION

[18] For the reasons given above, the Panel refuses the Proposal to subdivide the Property into three (3) lots, one (1) lot approximately 18.2 ha in size, one (1) lot approximately 28.2 ha in size and one (1) lot approximately 20.6 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 #195/2016.

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 #195/2016. The decision is effective upon release.



Colin J. Fry, Chief Tribunal Officer

June 9, 2016
Date Released