



Agricultural Land Commission
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www.alc.gov.bc.ca

November 30, 2016

ALC File: 54822

Donald Hooge
43217 South Sumas Rd.
Chilliwack, BC V2R 4L6

Dear Mr. Hooge:

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

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #409/2016) as it relates to the above noted application. As agent, it is your responsibility to notify the applicants 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 Kamelli Mark at (Kamelli.Mark@gov.bc.ca).

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Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read 'KMARK'. The letters are bold and stylized, with some overlapping.

Kamelli Mark, Land Use Planner

Yours truly,

Enclosure: Reasons for Decision (Resolution #409/2016)

cc: City of Chilliwack (File: ALR00276)

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AGRICULTURAL LAND COMMISSION FILE 54822

REASONS FOR DECISION OF THE SOUTH COAST PANEL

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

Applicants:

418102 BC Ltd, Inc. No.

0702306

Donald Hooge

Joan Marjorie Hooge

(the “Applicants”)

Agent:

Donald Hooge

(the “Agent”)

Application before the South Coast Regional Panel:

William Zylmans, Panel Chair

Gordon McCallum



THE APPLICATION

[1] The legal description of the properties involved in the application are:

Property 1

Parcel Identifier: 008-818-029

Lot 31, District Lot 86, Group 2, New Westminster District, Plan 25805

Area: 0.6 ha

Civic Address: 6750 Sumas Prairie Road Chilliwack, BC

Property 2

Parcel Identifier: 002-070-251

Lot 12, Except: Part Subdivided By Plan 25805, District Lot 86, Group 2, New Westminster District, Plan 4306

Area: 7.4 ha

Civic Address: 6678 Sumas Prairie Rd Chilliwack, B.,C.,

(collectively the "Properties")

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

[3] The Properties are located within Zone 1 as defined in s. 4.2 of the *ALCA*.

[4] Pursuant to s. 21(2) of the *ALCA*, the Applicants are applying to adjust the boundaries between the Properties to separate the farming operation onto one parcel from the filbert processing facility on another parcel. The proposed boundary adjustment would not result a change in lot sizes, only the location of the lots (the "Proposal"). The Proposal along with supporting documentation is collectively the "Application".



RELEVANT STATUTORY PROVISIONS

[5] 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.

[6] 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

[7] The Panel considered the following evidence:

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

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

[8] On May 17, 2016, the City of Chilliwack resolved to forward the Application to the Agricultural Land Commission with support.



SITE VISIT

[9] 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

[10] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified using the Canada Land Inventory (BCLI), 'Soil Capability Classification for Agriculture' system. The improved agricultural capability ratings identified on BCLI map sheet 92G/01a for the mapping units encompassing the Properties are approximately 10% (7:1 – 3:2T), 60% (6:2T – 4:2W), 3% (2W), and 17% (7:2T – 3:2W).

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.

The limiting subclasses associated with this parcel of land are W (excess water), A (soil moisture deficiency) and T (topographic limitations).

The Panel reviewed the BCLI ratings and find that the Properties are located in an area of prime agricultural capability.

[11] The Application states that the purpose of subdividing the filbert processing facility from the field production is to separate the roles and ownership of the two portions of the operation. By separating ownership of the processing and the production, the processing facility may no longer satisfy the criteria for farm product processing in the ALR as per s. 2(2) of BC Regulation 171/2002 Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the "Regulation"). The Regulation permits the storing, packing, preparing or processing of farm products and related activities on a farm in the ALR

provided at least 50% of the farm product is produced (i.e. grown or raised) on the farm on which the storing, packing, preparing or processing of farm products or related activity takes place or on the farms of a (cooperative) association to which the owner of the farm belongs. The Panel finds that by separating the processing facility from the filbert production, a standalone industrial non-farm use would be created. For this reason the Panel is not amenable to separating the processing facility from the agricultural production to which the processing is associated.

DECISION

[12] For the reasons given above, the Panel refuses the Proposal.

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

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

[15] This decision is recorded as Resolution #409/2016 and is released on November 30, 2016.

CERTIFICATION OF DECISION



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

END OF DOCUMENT