



**Agricultural Land Commission**  
133–4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

February 9<sup>th</sup>, 2017

ALC File: 55107

Alfred van den Brink  
50761 Castleman Road  
Chilliwack, BC, V2P 6H4

Dear Mr. van den Brink

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

Please find attached the Reasons for Decision of the South Coast Panel (Resolution #30/2017) as it relates to the above noted application. A sketch plan depicting the decision is also attached. 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 Kelsey-Rae Russell at (KelseyRae.Russell@gov.bc.ca).

Page 2 of 2

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read "K Russell". The signature is stylized and cursive.

Kelsey-Rae Russell , Land Use Planner

Enclosures: Reasons for Decision (Resolution #30/2017)  
Sketch plan

cc: City of Chilliwack (File: ALR00280)

55107d1



## **AGRICULTURAL LAND COMMISSION FILE 55107**

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

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

**Applicants:**

**Alfred van den Brink  
Cora van den Brink  
Cedarbrink Dairy Ltd., Inc., No.  
459693  
(the “Applicants”)**

**Agent:**

**Alfred van den Brink  
(the “Agent”)**

**Application before the South Coast Regional Panel:**

**William Zylmans, Panel Chair  
Satwinder Bains**



## **THE APPLICATION**

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

Property 1:

Parcel Identifier: 009-007-105

Lot 7, Section 6 and 7, Township 30, New Westminster District, Plan 28769

Area: 0.1 ha

Civic address: 50855 Castleman Road, Rosedale, BC

Property 2:

Parcel Identifier: 024-342-084

Lot 2, District Lot 434, Group 2 and Section 7, Township 30, New Westminster District Plan, LMP40327

Area: 65.9 ha

Civic address: 50761 Castleman Road, Rosedale, BC

(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 for a boundary adjustment between Property 1 and Property 2 which would result in a 1.0 ha Parcel (Property 1) and a 65 ha parcel (Property 2). The area of Property 1 is proposed to increase for the purpose of building a larger house (the “Proposal”). The Proposal along with supporting documentation is collectively the application (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. The purposes of the Agricultural Land Commission (the “Commission”) set out in s. 6 are as follows:

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. Previous application history
4. Agricultural capability map, ALR context map and satellite imagery

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

[8] At its meeting of July 19<sup>th</sup>, 2016, the City of Chilliwack resolved to forward the Application to the Commission with support.

[9] The Panel reviewed two previous applications involving the Properties:



Application ID: 33757  
Legacy File: 18333  
(van den Brink, 1984)

To subdivide 0.4 ha from a 7.8 ha property and consolidate the remaining 7.4 ha property with an adjacent 8.09 ha lot to create one 15.45 ha parcel. The Commission allowed the application in lieu of any future homesite severance request. The application was approved by Resolution #1248/1984.

Application ID: 14350  
Legacy File: 32811  
(van den Brink, 1999)

To replace a single-wide mobile home with a double wide mobile home for a farm worker. The property had two permanent dwellings and was 32 ha at the time of this application, due to historic consolidations of properties. The Commission allowed the application for a double wide mobile home on the grounds that it was for farm help. The application was approved by Resolution #591/1999.

**Note: The above applications partially resulted in the current configuration and number of homes on the Properties.**

## **SITE VISIT**

[10] 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**

[11] 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 92H/04f for the mapping units encompassing the

Properties are Class 2, 3 and comprised of approximately 80% (9:2T-1:3T), 10% (2T), 10% (8:2T-2:3T)

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 T (topographic limitations) and W (excess water).

[12] The Panel reviewed the BCLI ratings and find that the Property is capable of supporting a wide range of agriculture.

[13] The boundary adjustment between Property 1 and Property 2 is proposed in order to provide a greater area on Property 1 to accommodate the construction of a larger house. In addition, the boundary adjustment would result in the existing septic tank associated with the residence located on Property 1 being included onto Property 1; the septic tank is currently located on Property 2 and accessed by easement. The Applicant asserts that the septic tank and historic barn located on Property 2 (adjacent to Property 1) compromises the ability of that portion of Property 2 to be used for agriculture and that it should therefore be consolidated with Property 1.

[14] With regards to the historic barn, the Panel does not agree that portion of Property 2 that it encompasses has been rendered unusable for farming. The Panel finds that the barn is a farm building and could be used for agricultural purposes.

[15] The Panel agrees that the portion of Property 2 which contains the septic tank and associated easement has had its agricultural viability compromised. As such, the Panel is amenable to the adjustment of the boundary of the Properties so that Property 1's existing septic system is located on Property 1, rather than on Property 2; however, the Panel finds that the size of Property 1 resulting from the boundary adjustment as proposed (1 ha) is

unnecessarily large and should be reduced to include only the house and the septic system, in order to maximize the agricultural land available to Property 2. The Panel would prefer to see Property 1 be no more than 0.14 ha, or the smallest possible lot necessary to incorporate the existing septic easement into Property 1.

## **DECISION**

[16] For the reasons given above, the Panel refuses the Proposal to subdivide 0.9 ha from Property 2 and consolidate it with Property 1 in order to increase the size of Property 1 to one (1 ha).

[17] The Panel conditionally approves the subdivision of 0.04 ha from Property 2 for consolidation with Property 1 in order to increase the size of Property 1 to 0.14 ha lot (or the smallest lot possible) to incorporate the existing septic system.

[18] The Proposal is subject to the following conditions:

- a. The preparation of a subdivision plan to delineate the area to be subdivided, as per the sketch plan provided with this decision;
- b. The subdivision be in substantial compliance with the sketch plan provided with this decision;
- c. Submission of two (2) paper copies or one (1) electronic copy of the final survey plan to the Commission; and
- d. The subdivision plan being completed within three (3) years from the date of the release of the decision.

[19] 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.

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



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

[22] This decision is recorded as Resolution #30/2017 and is released on February 9<sup>th</sup>, 2017.

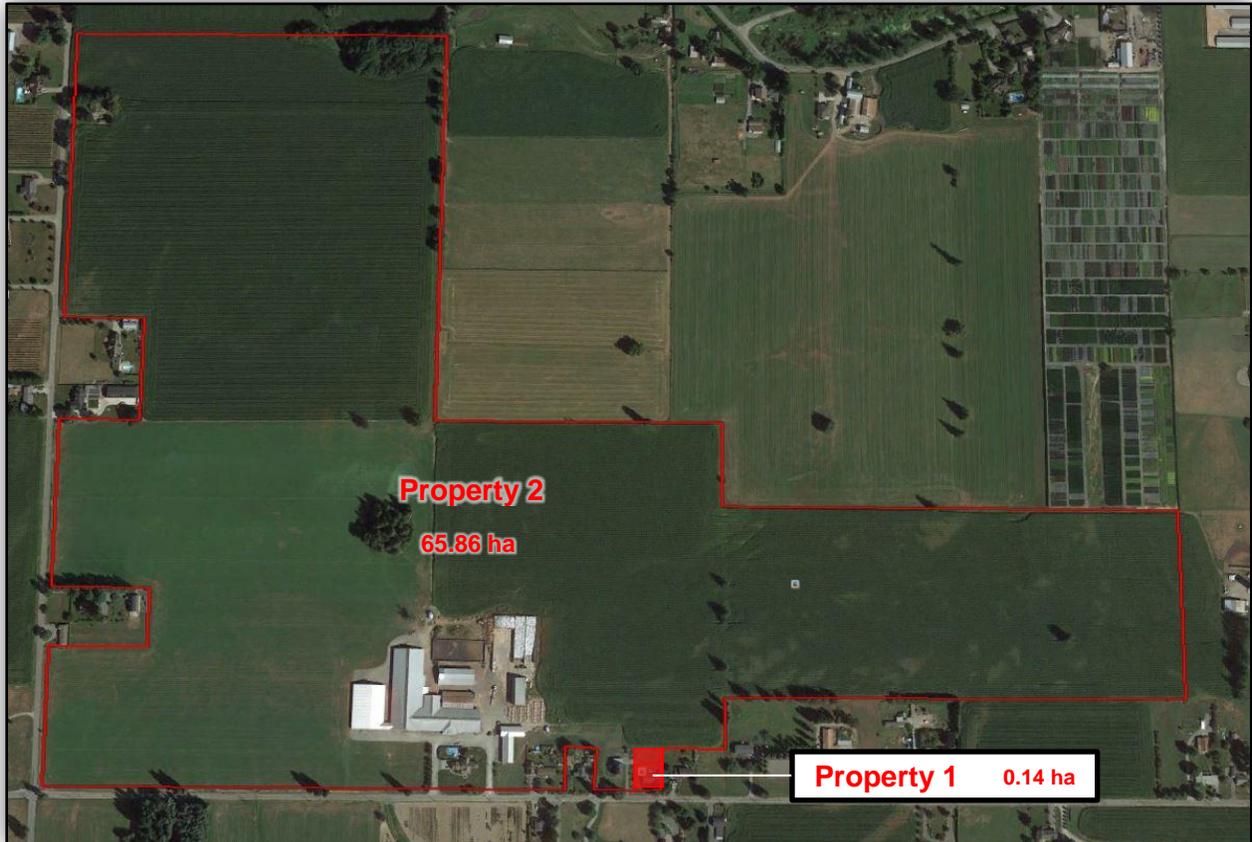
**CERTIFICATION OF DECISION**

A handwritten signature in black ink, appearing to read 'W. Zylmans', with a long horizontal flourish extending to the right.

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

**END OF DOCUMENT**



**Application ID# 55107(van den Brink)  
Conditionally Approved Subdivision  
ALC Resolution # 30/2017**