



Agricultural Land Commission
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March 1st, 2017

ALC File: 55290

OTG Development Concepts
Unit 520 45715 Hocking Ave
Chilliwack, BC V2P 6Z6

Attention: Sierra Nickel

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

Please find attached the Reasons for Decision of the South Coast Panel (Resolution #44/2017) 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 applicant 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).

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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

Enclosure: Reasons for Decision (Resolution #44/2017)

cc: City of Chilliwack (File: ALR00283)

55290d1



AGRICULTURAL LAND COMMISSION FILE 55290

REASONS FOR DECISION OF THE SOUTH COAST PANEL

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

Applicants:

**Robert Stobbe
Charity Stobbe
(the “Applicants”)**

Agent:

**OTG Development Concepts
(the “Agent”)**

Application before the South Coast Regional Panel:

**William Zylmans, Panel Chair
Satwinder Bains**



THE APPLICATION

[1] The legal description of the property involved in the application is:

Parcel Identifier: 024-546-771

Lot 1 District Lots 556, 561 and 798, Group 2, New Westminster District, Plan

LMP41654

(the "Property")

[2] The Property is 16.5 ha in area.

[3] The Property has the civic address 5100 Solway Road, Chilliwack, BC.

[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 Applicants are applying to subdivide the Property into a 7.5 ha lot and \pm 9.1 ha lot. If approved, the Applicants propose a boundary adjustment in order to align the resulting Properties with the division line created by 5278 Wright Road (the "Proposal"). The Proposal along with supporting documentation is collectively the application (the "Application").

RELEVANT STATUTORY PROVISIONS

[7] 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.

[8] 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

[9] 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.

[10] At its meeting of September 20, 2016, the Council of the City of Chilliwack resolved:

That application ALR00283 for subdivision within the Agricultural Land Reserve, with respect to property located at 5100 Solway Road be forwarded to the Agricultural Land Commission with support.



[11] The Panel reviewed one previous application involving the Property:

Application ID: 33642
Legacy File: 11104
(Moseanko, 1980)

To subdivide the 16.2 ha property into three parcels of 5.6 ha, 5.6 ha and 3.6 ha. The Commission noted that the agricultural capability of the land was considered at the time to be Class 5. The application was approved by ALC Resolution #2128/1980.

Note: The above application resulted in the ±5.4 ha portion of the Property, which is aligned on the west side of Wright Road.

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 92H/04c for the mapping units encompassing the Property are Class 3, Class 4, Class 5 and Class 7, more specifically 40% (7:4TP, 3:3TP), 35% (9:5T, 1:7RT) and 15% (4T).

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 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

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

The limiting subclasses associated with this parcel of land are R (bedrock), P (stoniness) and T (topographic limitations).

[14] The Property has an irregular configuration in that there are two distinct sections: a ± 5.4 ha section and a ± 11.2 ha section which are not contiguous and are offset from each other. The Application proposal is the first step in facilitating the separation of the two non-contiguous pieces into a 7.5 ha and 9.0 ha parcel. The second step of the process would be to adjust the boundaries between the newly created parcels in order to align the property boundary along Solway Road. Under normal circumstances, the Commission could be requested to create the final desired subdivision along Solway Road, however, in this case, the subdivision would result in a 5.4 ha lot that is smaller than minimum lot size and would require rezoning. If the Proposal is approved by the Panel, a “no-build” covenant would then be placed on a portion of the newly created 7.5 ha lot to ensure that no structures are built until the subsequent boundary adjustment is completed. The Approving Officer would then do a boundary adjustment in order to create the final desired 5.4 ha and 11.2 ha lots without the necessity for rezoning.

[15] While the two portions of the Property are “hooked” across Solway Road, the Panel did not consider this to pose any impediment on the use of the Property for agricultural purposes in its current configuration. The Panel finds that the proposed subdivision will not improve accessibility nor improve the agricultural potential of either of the resultant lots.

DECISION

[16] For the reasons given above, the South Coast Panel refuses the Proposal.



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

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

[19] This decision is recorded as Resolution #44/2016 and is released on March 1st, 2017.

CERTIFICATION OF DECISION

A handwritten signature in black ink, appearing to read 'W. Zylmans', is written over a horizontal line.

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

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