



**Agricultural Land Commission**  
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February 23, 2009

Reply to the attention of Ron Wallace  
ALC File: MM-38649

Helmut and Erika Sawatzky  
1327 Clearbrook Road  
Abbotsford, BC V2T5X2

Dear Sir/Madam:

**Re: Application to Subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 27/2009 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Erik Karlsen, Chair

Enclosure: Minutes

cc: City of Abbotsford (3040-20/A08-011)

RW/  
i/MM-38649d1



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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**A meeting was held by the Provincial Agricultural Land Commission on January 26, 2009 in Abbotsford, B.C.**

|                 |                |                          |
|-----------------|----------------|--------------------------|
| <b>PRESENT:</b> | Sylvia Pranger | Chair, South Coast Panel |
|                 | Michael Bose   | Commissioner             |
|                 | John Tomlinson | Commissioner             |
|                 | Ron Wallace    | Staff                    |
|                 | Tony Pellett   | Staff                    |

### For Consideration

Application: # MM- 38649  
Applicant: Sawatzky Berry Farms Ltd.  
Agent: Helmut and Erika Sawatzky  
Proposal: To subdivide a 0.4 ha parcel from the 5.6 ha property pursuant to the Commission's *Homesite Severance Policy*.  
Legal: PID: 009-342-354  
Location: Lot 6, Section 7, Township 16, New Westminster District, Plan 24575  
1327 Clearbrook Road, Abbotsford

### Site Inspection

A site inspection was conducted on January 26, 2009. Those in attendance were:

- Sylvia Pranger Chair, South Coast Panel
- Michael Bose Commissioner
- John Tomlinson Commissioner
- Ron Wallace Staff
- Tony Pellett Staff

The applicant was not present for the on-site meeting. The commissioners and staff drove onto the property and viewed the area proposed for subdivision. It was noted that the property has very good capability for farming.

### Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. 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.

### Discussion

The Commissioners considered the application in terms of the Homesite Severance Policy which states:

- a. *no one has an automatic right to a "homesite severance",*
- b. *the Commission shall be the final arbiter as to whether a particular "homesite severance" meets good land use criteria; (see \* below)*
- c. *a prime concern of the Commission will always be to ensure that the "remainder" will constitute a suitable agricultural parcel.*

*\* There will be cases where the Commission considers that good land use criteria rule out any subdivision of the land because subdivision would compromise the agricultural integrity of the area, and the Commission must therefore exercise its discretion to refuse the "homesite severance".*

The Commission believed the creation of a new residential lot would reduce the agricultural potential of the property and therefore did not support this subdivision pursuant to the homesite severance policy.

### **Assessment of Agricultural Capability**

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the subject property is

Class 1 – Land in this class either has no or only very slight limitations that restrict its use for the production of common agricultural crops.

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

#### **Subclasses**

A soil moisture deficiency

### **Assessment of Agricultural Suitability**

The Commission assessed whether external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external factors that render the land unsuitable for agricultural use.

### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. It was felt the creation of a residential lot would reduce the agricultural potential of the property.

### **Conclusions**

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.

3. That the proposal to subdivide a 0.4 ha lot will impact agriculture in a negative manner.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

**IT WAS**

**MOVED BY:** Commissioner Pranger  
**SECONDED BY:** Commissioner Bose

THAT the application be refused.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- S.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.*
- (2) *The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

**CARRIED**

**Resolution # 27/2009**