



Agricultural Land Commission
133-4940 Canada Way
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Reply to the attention of Terra Kaethler
ALC File: 51771

October 20, 2010

Oleg Verbenkov, Bruce McWilliam
Pacific Land Resource Group Inc.
Ste 101 - 7485 130th St
Surrey, BC V3W 1H8

Dear Sirs:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # **2672/2010** outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'B Underhill', written over a white background.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: District of Maple Ridge (3060-20/ALRA AL/027/10)

TK/
51771d1



A meeting was held by the Provincial Agricultural Land Commission on October 13, 2010 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

PRESENT:	Richard Bullock	Chair, Commission
	Sylvia Pranger	Chair, South Coast Panel
	Michael Bose	Commissioner
	John Tomlinson	Commissioner
	Tony Pellett	Staff
	Terra Kaethler	Staff

For Consideration

Application: 51771
 Applicant: Leigh & Sheena Holt, Norman & Maryann Pelton, 311627 BC Ltd
 Agent: Pacific Land Resource Group Inc
 Proposal: Exclusion of 62.0 ha from the ALR for proposed industrial uses. Another 20.5 ha is proposed for non-farm uses, including community parks space, recreational trails, and small-scale agriculture uses.
 Legal: This application includes nine properties, eight of which comprise the Pelton Reforestation nursery. PID's: 024-309-991, 025-126-113, 001-683-519, 001-575-091, 013-273-744, 001-718-614, 001-896-571, 002-129-728, 024-309-958
 Location: Maple Ridge

Site Inspection

No site inspection was conducted.

Exclusion Meeting

An exclusion meeting was conducted on October 13, 2010 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. Those in attendance were:

- | | |
|--------------------|----------------------------|
| • Richard Bullock | Chair, Commission |
| • Sylvia Pranger | Chair, South Coast Panel |
| • Michael Bose | Commissioner |
| • John Tomlinson | Commissioner |
| • Tony Pellett | Staff |
| • Terra Kaethler | Staff |
| • Norman Pelton | Applicant |
| • Chris Rounding | Applicant's son-in-law |
| • Oleg Verbenkov | Agent, Pacific Land Group, |
| • Bruce McWilliams | Agent, Pacific Land Group |

There were also approximately 10 members of the public present as observers of the meeting.

The applicants had confirmed receipt of the staff report prior to the meeting and had submitted a letter in response to the staff report, as well as a newspaper article from Maple Ridge News (October 12, 2010). These items were provided to the Commissioners for their review in advance of the meeting.

At the meeting, the proponents of the application gave a power point presentation, entitled, "The Pelton Lands, proposed ALR exclusion – Community Benefits to Maple Ridge and Pitt Meadows." A hard-copy of the presentation was submitted to the Commission.

The proponents of the application gave a brief presentation including an overview of the application. It was noted that the reforestation operation closed in 2009 and would not be feasible in that location in the future, as the industry has substantially moved out of the Lower Mainland. It was argued that it would be difficult to operate a viable farm business on the property, given loss of soil from the historical use of the property as a nursery for forest seedlings, as well as the current economics of agriculture in this area.

The proponents highlighted the social, environmental, economic and in particular the agricultural benefits of the proposal. The proposed benefits were based on community need and addressed goals in the Maple Ridge Agricultural Plan. The proponents argued that the location next to the Abernathy Connector created a prime location for industrial purposes, as well as the proposed non-farm use and agricultural benefits proposed in the application.

It was also pointed out that Maple Ridge has land north of Websters Corners designated or under study as industrial lands; these lands are not within the ALR and are currently underutilized. The proponents argued that industry is reluctant to move there, as it is remote and costly to develop. Further, that it will demand a significant amount of ALR lands to construct road access to the site.

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

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.

Under BCLI the improved ratings of the agricultural capability of the subject lands are identified as dominantly Class (2) with limitations of excess water, topography and undesirable soil structure.

- Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.
- Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.
- Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

An Agricultural Assessment Report prepared by Patrick Brisbin, P.Ag. of Golder Associates, was submitted with the application which states that improved ratings, prior to any soil disturbance, ranged mostly from Class 3 to Class 4. The report further indicated that the majority of the soils of the properties had been disturbed due to the nursery operation, and would need varying amounts of reclamation to be utilized for soil-based agriculture in the future.

The Commission reviewed the report and acknowledged its findings. However, the Commission was of the view that the lands had significant agricultural capability and could thus support a broad range of agricultural activity, regardless of the historical use of the property. Further the Commission took into account that the subject lands had been utilized as a successful agricultural operation for nearly 40 years.

The Commission also considered that the subject lands were surrounded by other parcels of similar size and agricultural ratings.

Assessment of Agricultural Suitability

The Commission assessed whether external factors such as encroaching non-farm development have caused or will cause the lands to become unsuitable for agriculture. The subject lands are in an agricultural area and many of the surrounding properties are actively involved in agricultural production. The Commission did not believe there are external factors that render the lands unsuitable for agricultural use.

Further the Commission believed that the proposal itself was an example of encroaching development into the ALR, which, if approved, would negatively affect the agricultural suitability of neighbouring properties.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land.

The Commission disagreed with the premise that it is justifiable to convert agricultural land to industrial use in a prime agricultural area. While it recognized that there is a perceived need for employment lands and more industrial lands in Maple Ridge, it considered that Maple Ridge already had land set aside for industrial purposes that were not fully utilized. It also recognized that the proximity to major transportation routes makes the location of these lands well suited for the uses proposed; however,

the Commission did not believe that this was a justifiable reason to allow the conversion of farmland.

The Commission noted the non-farm uses and farm uses proposed in the application. It concluded that while some of the projects proposed have benefits to the agricultural community on their own merits, the benefits do not compensate for the proposed exclusion of lands.

It was the Commission's view that the subject lands have good potential for agriculture, and are in a productive agricultural area. The Commission believed that the proposed exclusion would act as an intrusion into the ALR and would only serve to further erode remaining farmland, by fueling speculation and precipitating similar requests from adjacent property owners. As such, the Commission believes the proposal would negatively impact existing or potential agricultural use of surrounding lands.

Assessment of Other Factors

The Commission has, of necessity, adopted a long term approach to the issue of preservation of agricultural land. The considerations involved in reviewing applications under the *Act*, is, by necessity, more oriented towards maintaining a permanent farm land reserve without strict regard to present use or production needs. As such, agricultural land is not defined on the basis of present use, market conditions, proximity to transportation routes or consumer markets. All commodities go through cycles. If the Commission were to exclude properties based on commodity cycle, market conditions, or economic hardship, eventually the supply of agricultural land would be diminished. If the ALR is to be maintained in the long term, it must be valued as agricultural land and cannot be endlessly eroded to make room for other uses.

The intent of the Act is to preserve and protect agricultural lands and farm communities in the long-term and the Commission considered that this application was not in keeping with that mandate.

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 will impact agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Tomlinson

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, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED
Resolution # 2672/2010