



Agricultural Land Commission
133-4940 Canada Way
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www.alc.gov.bc.ca

May 3, 2013

ALC File: 52937

OTG Development Concepts Inc.
46680 Yale Road
Chilliwack, BC
V2P 2R9

Attention: Ryan Anderson

Dear Mr. Anderson,

Re: Application to Exclude Land from the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution # 102/2013 as it relates to the above noted application. As agent, it is your responsibility to notify your client accordingly.

By way of a copy of this letter the Commission has advised the Registrar of Land Titles that the property has been excluded from the ALR and that the Agricultural Land Reserve (ALR) notation can be removed from Certificate of Title No. BB456921.

The Commission requests that the City of Chilliwack ensure that any future development and/or change(s) of use of the subject property is conducted in a manner that mitigates any potential impacts on neighbouring and nearby agricultural activities.

Further correspondence with respect to this application is to be directed to Eamonn Watson (Eamonn.Watson@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #102/2013

cc: City of Chilliwack (3370-20 (ALR00239))
Register of Land Titles – New Westminster

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on January 23, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application # 52937.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner

COMMISSION STAFF PRESENT:

Tony Pellett	Regional Planner
Eamonn Watson	Land Use Planner
Colin Fry	Executive Director

PROPOSAL (Application for exclusion submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*)

To exclude the 4.5 ha ALR portion of the 14.3 ha subject property from the ALR.

PROPERTY INFORMATION:

Owner: Butterscotch Holdings Inc., Inc. No. 644382

Legal: PID: 002-318-601
Lot 3, Except: Parcel "A" Reference Plan 67230; District Lot 421, Group 2, New Westminster District, Plan 46101

Location: 45745 Cartmell Road, Chilliwack

Size: 14.3 ha (4.5 ha ALR)

EXCLUSION MEETING

An exclusion meeting was held on January 23, 2013 at the offices of the Commission. Those in attendance were the Commissioners and staff noted above, Rahoul Sharan (Applicant) and Ryan Anderson (Agent). Mr. Anderson provided an overview of the historic industrial uses on the subject property, including uses that predated the establishment of the ALR and those previously approved by the Commission. The overview was accompanied by aerial photography from 1966, 1969, 1971, 1974 and 1979 showing the degree of use over that time.

In addition, Mr. Anderson pointed out that as the ALR portion of the subject property is situated outside the dyke and, given the debilitation of the land, that these factors are considerable impediments to the use of the property for agriculture.

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 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.
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COMMISSION CONSIDERATION

The Commission reviewed two previous applications involving the subject property:

Application #03920 (Vosburgh, 1977) To subdivide an approximately 0.2 ha parcel from the property (Lot 3) and consolidate it with an adjoining property. By way of Resolution #6097/1977 the Commission approved the subdivision subject to the legal consolidation with the adjoining lot.

Note: The approved subdivision created the current configuration of the subject property.

Application #16547 (Vosburgh, 1983) To establish an asphalt plant on a portion of the property (Lot 3). The Commission noted that the property was being used for processing gravel extracted from the Fraser River. By Resolution #913/1983 the Commission approved the application.

After considering the information the Commission concluded as follows:

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted 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/4(e) for the subject property are Class 1, Class 2 and Class 3.

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.

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 A (soil moisture deficiency), I (inundation (flooding)), T (topography) and W (excess water).

Conclusion:

Although the agricultural capability ratings indicate that the subject property is capable of agricultural production, aerial photography, along with information provided with the application, clearly shows that the subject property has historically been used as an industrial site. The industrial uses have substantively altered the land to the extent that the published agricultural capability ratings are not applicable. The land is not capable of supporting agriculture.

IT WAS

MOVED BY: Commissioner Gillette
SECONDED BY: Commissioner Thibeault

THAT the request to exclude the 4.5 ha ALR portion of the subject property from the ALR be approved.

AND FINALLY THAT 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.

CARRIED

Resolution #102/2013