



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

July 20, 2015

ALC File: 53823

Brian G. Hart
Brian G. Hart & Company
4675 West River Road
Delta, BC V4K 1R9

Dear Mr. Hart:

Re: Application to Conduct a Non-Farm Use in the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #206/2015) as it relates to the above noted application. As agent, it is your responsibility to notify your client accordingly. A preliminary sketch plan depicting the decision has been attached.

Your attention is drawn 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.

Please note that pursuant to s. 33.1 of the *Agricultural Land Commission Act*, the Chair may direct the executive committee to reconsider this 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 section 6". I can advise you that in this case, the Chair has already reviewed the decision and has instructed me to communicate to you that he does not intend to exercise that authority in this case.

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

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A large, stylized handwritten signature in black ink, appearing to be 'CJF', is written over the signature line.

Colin J. Fry, Chief Tribunal Officer

Page 2 of 2

Enclosures: Reasons for Decision (Resolution #206/2015)
Sketch Plan

cc: Corporation of Delta – Attention: Stephanie Johnson (File: LU007203)
4500 Clarence Taylor Crescent, Delta, BC V4K 3E2

53823d1



AGRICULTURAL LAND COMMISSION FILE 53823

REASONS FOR DECISION OF THE SOUTH COAST PANEL

Application submitted pursuant to s. 20(3) of the *Agricultural Land Commission Act*

Applicant:

**B.C. Turf Ltd.
Inc. No. BC0123731
(the "Applicant")**

Agent:

**Brian Hart
Brian G. Hart & Company
(the "Agent")**

Application before the South Coast Regional Panel:

**William Zylmans, Panel Chair
Gordon McCallum
Satwinder Bains**



THE APPLICATION

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

Parcel Identifier: 024-628-379

Lot 3, District Lot 174, Group 2, New Westminster District, Plan LMP43570
(the "Property")

[2] The Property has the civic address 5300 - 34B Avenue, Delta.

[3] The Property is 6.4 ha in area.

[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. 20(3) of the *ALCA*, the Applicant is applying to relocate an operation, known as West Coast Seeds Ltd., to the Property (the "Application"). More specifically, the Application proposes the repurposing of existing buildings and development of the northern portion of the Property (approximately 2.2 ha) for use by West Coast Seeds Ltd.'s operation with the remainder (approximately 4.2 ha) of the Property being leased to support soil-based agriculture. There are currently three (3) buildings located on the Property and the Application proposes that they be repurposed as follows: firstly, a barn, to be used for storage, packaging, receiving, shipping, office space, laboratory, retail and staff areas (the "Barn"); secondly, a house, to be used for office space, meetings, courses, seminars, small events and educational centre (the "House"); and thirdly, a garage, to be used for farm equipment storage and possible accommodation (the "Garage"). In addition, the proposed development of the northern portion of the Property would include staff and visitor parking, trial gardens, demonstration beds, and a small greenhouse complex (approximately 4,000 m²).



[7] On April 21, 2015, the Chair of the Agricultural Land Commission (the "Commission") referred the Application to the South Coast Regional Panel (the "Panel").

RELEVANT STATUTORY PROVISIONS

[8] The Application was made pursuant to s. 20(3) of the *ALCA*:

20(3) An owner of agricultural land or a person with a right of entry to agricultural land granted by any of the following may apply to the commission for permission for a non-farm use of agricultural land.

[9] The Panel considered the Application within the context of s. 6 of the *ALCA*:

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

[10] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Submissions from any third parties of which disclosure was made to the Applicant
4. Relevant application history
5. Agricultural capability map, ALR context map and satellite imagery

All documentation noted above was disclosed to the Applicant and the Agent in advance



of this decision.

[11] The Corporation of Delta resolved to forward the Application to the Commission.

[12] The Panel reviewed one relevant application relating to the Application:

Application ID: 16440
Legacy File: 33533
(Ballon, 2001)

The Commission, in 2001, considered an application to develop approximately 2.0 ha of a property located in Delta, at 3925 – 64th Street, for use by West Coast Seeds Ltd. for a demonstration garden, parking areas, offices, packaging and distribution and shipping and receiving.

By Resolution #46/2001 the Commission approved the proposed development stating that it had “discussed the aspects of the proposal, weighing the apparent minor impacts of the proposal against the anticipated agricultural benefits of the organic seed distribution and other benefits. It was agreed that the proposal should be approved.”

Note – the previous location for West Coast Seeds Ltd., approved by way of Resolution #46/2001, is located approximately 2.5 Km northeast of the Property.

SITE VISIT

[13] The Panel, in the circumstances of this Application, did not consider it necessary to conduct a site visit to the Property based on the evidentiary record associated with the Application.



FINDINGS

[14] 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 92G/3(a) for the mapping units encompassing the 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 D (undesirable soil structure), N (salts), and W (excess water).

In this regard, the Panel finds that the land making up the Property is capable of supporting agriculture and is appropriately designated within the ALR.

[15] The Panel understands that the Application is primarily to accomplish the relocation of the West Coast Seeds Ltd. operation because the current facility no longer suits the size needs of the operation. Although the relocation would facilitate growth of the business, the Panel generally concurs with the previous decision of the Commission, as noted in the relevant application above, and finds that the Application would continue to provide benefits to agriculture that would outweigh the impact of continuing to operate this particular business in the ALR.

[16] Although the Panel did considered a number of submissions from area residents that were opposed to the Application, West Coast Seeds Ltd.'s operation continues to be



supported by a number of Delta and Lower Mainland agricultural stakeholders and businesses. The Panel finds that the proposed development of the Property is related to agriculture and will utilize the existing buildings on the Property in a manner that will allow for the continued agricultural use of remainder of the Property.

[17] The Panel, in reviewing the Application, noted that although the proposed use of the Barn and the House requires approval of a non-farm use pursuant to s. 20(3) of the *ALCA*, the use of the Garage to store farm equipment used on the Property would not require approval from the Commission. Any residential uses on the Property would be subject to approval by the Corporation of Delta pursuant to s. 18 of the *ALCA*. The proposed staff and visitor parking area also requires approval of a non-farm use pursuant to s. 20(3) of the *ALCA*. Whereas the development of trial gardens, demonstration beds, and a small greenhouse complex would all appear to be consistent with the *ALCA*. However, the Panel does appreciate the benefit of locating all uses associated with the West Coast Seeds Ltd. operation on a tightly clustered footprint as close as possible to 34B Avenue.

[18] The Panel also reviewed a covenant registered on the Certificate of Title associate with the Property. Although the Panel did note that this covenant was related the agricultural use of the Property, the Commission is not a signatory. As a result, it would be up to the Applicant to ensure the use of the Property is in accordance with this covenant along with any other applicable covenants, Acts, regulations, bylaws of the Corporation of Delta, and decisions and orders of any person or body having jurisdiction over the land associated with the Property under an enactment.

DECISION

[19] For the reasons given above, the Panel approves the Application to relocate the operation, known as West Coast Seeds Ltd., to the Property.

[20] The approved Application permits the following:

- a. The redevelopment of the Barn as outlined in the Application and summarized in paragraph 6 above;
- b. The redevelopment the House as outlined in the Application and summarized in paragraph 6 above; and
- c. The development of approximate 40 parking stalls for staff and visitor parking.

[21] The Application is approved subject to the following conditions:

1. The total area utilized by the West Coast Seeds Ltd. operation must not exceed approximately 2.2 ha.
2. The preparation of a site development plan to delineate the specific buildings and areas to be used by West Coast Seeds Ltd. on the Property. The site development plan must be in substantial compliance with the information submitted with the Application and be approved by the Panel; and
3. Approval for non-farm use is granted for the sole benefit of the Applicant and West Coast Seeds Ltd. and is non-transferable.

[22] As a result of this approval, the Panel understands the use of the property legally identified as Lot 1, Section 26, Township 5, New Westminster District, Plan 37500 (3925 64 Street, Delta) by the West Coast Seeds Ltd. operation is no longer required. Any future non-farm use of this property would require an application to, and subsequent approval from, the Commission pursuant to s. 20(3) of the *ALCA*.

[23] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the Corporation of Delta, and decisions and orders of any person or body having jurisdiction over the land under an enactment, including but not limited to covenants registered on the Certificate of Title associated with the Property.

[24] Panel Chair **William Zylmans** concurs with the decision.

Commissioner **Gordon McCallum** concurs with the decision.

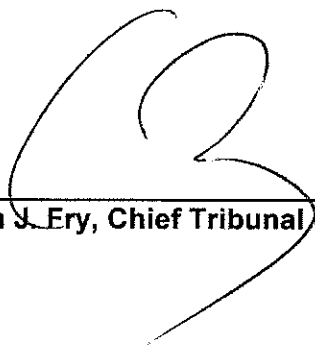


Commissioner **Satwinder Bains** concurs with the decision.

[25] Decision recorded as Resolution #206/2015.

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

Upon instruction of the Panel, I have been authorized to release the Reasons for Decision by Resolution #206/2015. The decision is effective upon release.



Colin J. Ery, Chief Tribunal Officer

July 20, 2015
Date Released

Approximate Site Plan as Approved by the Decision Recorded as Resolution #206/2015

 Approved Area for West Coast Seeds Ltd. Operation (approximately 2.2 ha)

