



July 26, 2016

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

ALC File: 53360 (Exclusion)

ALC File: 53361 (Inclusion)

SENT BY ELECTRONIC MAIL

Aplin & Martin Consultants Ltd.
201 – 12448 82 Avenue
Surrey, BC V3W 3E9

Attention: Maggie Koka

Dear Ms. Koka:

Re: Applications to Exclude Land from and to Include Land to the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #267/2016 and 268/2016) as they relate to the Application 53380 (Exclusion) and Application 53361 (Inclusion) respectively. As agent, it is your responsibility to notify your clients accordingly.

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 or does not adequately take into account the considerations set out in section 4.3”. 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 Elizabeth Sutton at (Elizabeth.Sutton@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to be 'CJF', written in a cursive style.

Colin J. Fry, Director of Policy and Planning

Enclosures: Reasons for Decision (Resolution #267/2016 and Resolution #268/2016)
Sketch plan

cc: City of Surrey (File: 7912-0304-00)

53360d1 & 53361d1



AGRICULTURAL LAND COMMISSION FILE 53361

REASONS FOR DECISION OF THE SOUTH COAST PANEL

Application submitted pursuant to s. 17(3) of the *Agricultural Land Commission Act*

Applicant:

**0938107 B.C. Ltd.
(the “Applicant”)**

Agent:

**Maggie Koka
Aplin & Martin Consultants
Ltd.
(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: 013-223-178

East Half of the South East Quarter Section 9, Township 7, Except the West Quarter, New Westminster District

Area: 23.2 ha (11.7 ha within the ALR)

Civic Address: 19103 – 8th Avenue, Surrey

(the “Property”)

[2] The Property is located partially within a designated agricultural land reserve (“ALR”) as defined in s. 1 of the *ALCA*.

[3] The Property is located within Zone 1 as defined in s. 4.2 of the *ALCA*.

[4] Pursuant to s. 17(3) of the *ALCA*, the Applicant is applying to include the Property into the ALR (the “Proposal”). The Proposal along with supporting documentation is collectively (the “Application”).

Note: There is a concurrent application to exclude land from the ALR; Exclusion Application ID: 53360.

[5] On February 4, 2015, the Chair of the Agricultural Land Commission (the “Commission”) referred the Application to the South Coast Regional Panel (the “Panel”).

RELEVANT STATUTORY PROVISIONS

[6] The Application was made pursuant to s. 17(3) of the *ALCA*:

17(3) On application by an owner of land, the commission may designate all or part of the land described in the application as part of an agricultural land reserve if the commission considers that the designation carries out the intent of this Act.

[7] 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

[8] 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
5. Report titled, *Industrial Land-Use Proposal: Planning Rationale for an ALR Land Exchange* prepared by Alpin Martin Consultants Ltd. dated January 23, 2013 (the "Aplin Report")
6. Report titled, *Agricultural Capability Assessment, 19103 – 8TH Avenue, Surrey, BC* prepared by Pottinger Gaherty Environmental Consultants Ltd. (the "PG Inclusion Report") – Appendix B of the Aplin Report

[9] The City of Surrey (the "City") resolved to forward the Application to the Commission without comment.



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

Application ID: 34252
Legacy File: 14628
(Jacobson, 1982)

To place an existing mobile home on a permanent foundation for use as a second farm residence.

The Commission noted that the property was being used as a 310 head dairy farm.

Approved by Resolution #1009/82 dated April 5, 1982.

SITE VISIT

[11] 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.

APPLICANT MEETING

[12] On April 15, 2015, the Panel conducted a meeting regarding the exclusion application in accordance with s. 22(1) of BC Regulation 171/2002 (Agricultural Land Reserve Use, Subdivision and Procedure Regulation). Those in attendance at the Applicant Meeting were:

- Alf Wall, representing the Applicant – Inclusion Property
- Maggie Koka, representing the Agent
- Andrew Baker, representing the Agent
- Ned Pottinger, P.Ag. representing Pottinger Gaherty Environmental Consultants Ltd.
- William Zylmans, Panel Chair
- Satwinder Bains, Commissioner
- Gordon McCallum, Commissioner
- Tony Pellett, Commission Regional Planner
- Eamonn Watson, Commission Land Use Planner

The participants also discussed the agricultural issues associate with the Property.

FINDINGS

[13] The improved agricultural capability ratings identified on BCLI map sheet 92G/2(b) for the mapping units encompassing Property are Class 2, Class 3, Class 4 and Class 7; more specifically (3DW), (7:2AT - 3:2WA), (8:4T - 2:2WA), (2AT), (3AP) and (6:7T - 2:5T - 2:4W).

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.

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 are W (excess water), A (soil moisture deficiency), P (stoniness), D (undesirable soil structure) and T (topographic limitations).

[14] In addition, the Panel reviewed the PG Inclusion Report attached as Appendix B to the Aplin Report.

The Panel noted the following in the PG Inclusion Report.

2.5 Topography and Geology

Site topography consists of relatively level lowland across most of the site with the exception of a few watercourse (5m deep), which run through northern portions of the Site (approximately 19m above sea level). The watercourses bisect the northern portion of the property in a north-to-south and east-to-west direction. The transition from the upland to the lowlands is short and steep with slopes up to 45%.

4.2 PGL's Findings

Area Proposed For Inclusion (Northern Half of Property)

Soils in the area proposed for inclusion are fairly consistent. Field observations of the upland areas at the northern portion of the area proposed for inclusion (test pits 5, 6, 7 and 10) indicate a dark reddish-brown silt loam material that is very friable surface soil (up to 0.10m thick). The surface layer is underlain by a reddish-brown zone that is approximately 30cm thick and is sandy material. Below this is brown and grey sands approximately 40 to 80cm thick extending to the base of a few of the test pits. These soils are mainly Sunshine soils with minor areas of Heron soils. Due to standing water, we were unable to excavate test pits in any of the lowland areas associated with the streams. Field observations at the southern portion of the area proposed for inclusion (test pits 2, 3, 4 and 8) indicate a dark greyish-brown clay with some silt approximately 15cm thick surface soil. This is underlain by 10cm of light greyish-brown silty material. Below this, is a firm dark-grey clay with yellow mottles that extend to a depth of about 80cm below ground level. These soils are associated with Cloverdale soils.

Remainder of the Property (Southern Half of Property)

Fairly uniform soils were located at the southern half of the property. Field observations at the southern portion of the site (test pits 1 and 9) indicate a dark greyish-brown clay with some silt approximately 15cm thick surface soil. This is underlain by 10cm of light greyish-brown silty material. Below this, is a very firm dark-grey clay with yellow mottles that extend to a depth of about 80cm below ground level. The soils in this area are Cloverdale soils.

5.2 PGL's Findings

PGL conducted a site-specific more detailed survey of the soils for the entire site and surrounding properties to assess site-specific agricultural capability ratings. We note that improvements have been made to the site to facilitate farming and that the site has been used for hay crops, corn crops, silage and dairy farming over the past 80 years. Minor limitations to soil capability (excess water, soil moisture deficiency, and undesirable soil

structure), have been successfully addressed with soil management techniques (Figure 3). PGL's more detailed current survey mapped the area proposed for inclusion with:

- An improved agricultural capability classification of 100% 3AT in the upland areas at the northern portion of the property;
- An improved agricultural capability classification of 70% 41 and 30% 51 in the lowland areas associated with the watercourse floodplains at the northern portion of the property; and
- An improved agricultural capability classification of 100% 3WD for the remainder of the property.

5.3 Agricultural Considerations

Portions of the property have minor limitations to agriculture from topography, excess water, soil moisture deficiency, and undesirable soil structure, but these have been addressed with soil management techniques. Much of the site has been used for successful agricultural operations (corn, hay, dairy, etc.) in the past. Much of the surrounding area has the same soil composition and contains successful agricultural operations within the ALR.

Agricultural Suitability

The majority of the site is existing farmland which has been used for hay crops, corn crops and dairy farming including production of silage. The northern part of the property is not part of the ALR although it is zoned A-1 and much of it has been used to grow hay and corn crops. The northern portion of the site is forest that includes large trees (mainly coniferous) and associated understorey vegetation. Surrounding land uses include agricultural and forest. The site is bounded by agricultural to the south, east and west, and forest to the north. The Little Campbell River, Campbell River and Jacobsen Creek bisect the northern portion of the property. Highland Creek and Jenkins Creek bisect the western portion of the property.

Although the land has not historically been part of the ALR, PGL did not identify any reasons for it not to be included in the ALR. The land has moderate capability for

agricultural use and although the streams in the northern portion of the site currently pose an access challenge, the land could be used for growing a range of crops and provide a buffer to adjacent potentially non-agricultural uses. Other portions of the site have bridges and culverts to cross watercourses and with these kinds of improvements, the northern forested part of the site would have good opportunities for agriculture.

6.0 CONCLUSION

The site is zoned agricultural and is located in an area of non-ALR agricultural and forest land use. ALR land is located to the south, east and west of the property. Forest is located to the north. Much of the surrounding property is agricultural or rural. The site has access from 8th Avenue on the south side.

Soils consist of Cloverdale and mainly Sunshine with small inclusions of Heron soil series. Existing farm operations have managed to develop farming practices to alleviate minor limitations to soil-bound agriculture on these soils. Overall, the inclusion of the property within the ALR would be in keeping with the surrounding land use and would enhance the long-term preservation of the ALR in this area. This area has maintained a rural character and inclusion would support this in the longer term.

[15] While acknowledging that the Application has been submitted in support of the exclusion proposal, the Panel finds it appropriate to restrict its deliberation of the Proposal to the facts and arguments associated with inclusion request. The Panel expressed significant concern regarding the concept of "trading" ALR land for non-ALR land as it believes that "trading" land for benefits, if supported, will erode the basic purpose of preserving agricultural land and will support and encourage the speculative purchase of farmland for non-farm uses. The Panel is of the opinion that the exclusion and inclusion applications should be considered separately and the respective decisions should be based on the suite of facts associated with each proposal.

[16] After reviewing the agricultural capability information the Panel finds that the non-ALR component of the Property has agricultural capability.



[17] The Panel also finds that including the non-ALR component of the Property into the ALR is consistent with s. 6(a) of the ALCA to preserve agricultural land.

DECISION

[18] For the reasons given above, the Panel approves the Proposal to include the Property into the ALR.

[19] 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.

[20] Panel Chair **William Zylmans** concurs with the decision.
Commissioner **Gordon McCallum** concurs with the decision.
Commissioner **Satwinder Bains** concurs with the decision.

[21] Decision recorded as Resolution #268/2016.

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 #268/2016. The decision is effective upon release.

Colin J. Fry, Director of Policy and Planning

July 26, 2016

Date Released