



Agricultural Land Commission
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January 21, 2016

ALC Files: 53441 through 53462

Pacific Land Resource Group Inc.
Suite 101 – 7485 130 Street
Surrey, BC V3W 1H8

Attention: Oleg Verbenkov

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

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolutions #17/2016 through #38/2016) as it relates to the above noted applications. As agent, it is your responsibility to notify your clients accordingly.

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 or does not adequately take into account the considerations set out in section 4.3".

Further correspondence with respect to these applications should be directed to Eamonn Watson at (Eamonn.Watson@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Colin J. Fry, Chief Tribunal Officer

Enclosure: Reasons for Decision

cc: City of Abbotsford – Attention: George Murray, via electronic mail

Emerson Real Estate Group Inc. – Attention: Ron Emerson, via electronic mail



AGRICULTURAL LAND COMMISSION FILES:

53441	54442	53443	53444	53445	53446	53447	53448
53449	53450	53451	53452	53453	53454	53455	53556
53457	53458	53459	53460	53461	53462		

REASONS FOR DECISION OF THE SOUTH COAST PANEL

Applications submitted pursuant to s. 30(1) of the *Agricultural Land Commission Act*

Agents:

**0903475 B.C. Ltd.
Pacific Land Resource Group
Inc.
(the “Agents”)**

Application before the South Coast Regional Panel:

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



THE APPLICATION

- [1] The legal description of the properties, associated files numbers and the applicants involved in the applications are:

File: 53441

Parcel Identifier: 011-092-742

Parcel "One" (Explanatory Plan 6673), Lot "A", Section 5, Township 14, New Westminster District, Plan 4363

Civic Address: 27618 56th Avenue, Abbotsford

Applicants: John Walker MacGilchrist, Bonnie Lynne MacGilchrist, Mandy Anne Scavarda (MacGilchrist) and John Scavarda

Parcel Size: 2.0 ha

File: 53442

Parcel Identifier: 003-803-660

Lot 28, Section 5, Township 14, New Westminster District, Plan 37773

Civic Address: 27664 56th Avenue, Abbotsford

Applicants: Donald Jay MacLean and Nina MacLean

Parcel Size: 2.0 ha

File: 53443

Parcel Identifier: 004-194-802

East Half of the East Half of the North East Quarter, Section 32, Township 13,
Except: Firstly: Part Lying South and West of Plan 23336; Secondly: Part on
Statutory Right of Way Plan 23336; New Westminster District

Civic Address: 4751 Lefeuvre Road, Abbotsford

Applicants: Bikker Singh Dhaliwal, Inderjit Kaur Dhaliwal, Kaur Sing Bajwa, Rajdeep Kaur Bajwa, Hakam Sing Bajwa, Manjinder Kaur Bajwa, Sukhwant Singh Dhindsa and Paramjit Kaur Dhindsa

Parcel Size: 9.0 ha



File: 53444

Parcel Identifier: 007-263-465

Lot 19, Section 5, Township 14, New Westminster District, Plan 36001

Civic Address: 4945 Lefeuvre Road

Applicants: Mukhtair Singh Toor, Gurjit Singh Toor, Khushvinder Singh Maan,
Surinder Singh Virk and Malkit Singh Toor

Parcel Size: 7.7 ha

File: 53445

Parcel Identifier: 011-874-902

North East Quarter of the South East Quarter, Section 5, Township 14, New
Westminster District

Civic Address: 5131 Lefeuvre Road, Abbotsford

Applicant: Tall Timbers Ranch Ltd.

Parcel Size: 15.8 ha

File: 53446

Parcel Identifier: 012-732-931

Lot 26, Section 5, Township 14, New Westminster District, Plan 2514

Civic Address: 5215 Lefeuvre Road, Abbotsford

Applicant: Pauline Joy Myltoft

Parcel Size: 2.1 ha

File: 53447

Parcel Identifier: 002-539-985

Lot 21, Section 5, Township 14, New Westminster District, Plan 2514

Civic Address: 27883 Myrtle Avenue, Abbotsford

Applicants: Jagat Prasad and Madhuri Devi Prasad

Parcel Size: 3.1 ha

File: 53448

Parcel Identifier: 002-973-685



Lot 24, Section 5, Township 14, New Westminster District, Plan 2514

Civic Address: 27868 Myrtle Avenue, Abbotsford

Applicants: Frank Kehler and Diane Lynn Kehler

Parcel Size: 2.3 ha

File: 53449

Parcel Identifier: 012-732-923

Lot 22, Section 5, Township 14, New Westminster District, Plan 2514

Civic Address: 27807 Myrtle Avenue, Abbotsford

Applicant: Maria Toth

Parcel Size: 3.7 ha

File: 53450

Parcel Identifier: 012-732-788

Lot 10, Section 5, Township 14, New Westminster District, Plan 2514

Civic Address: 27717 Myrtle Avenue, Abbotsford

Applicant: Joh Lorne Wiebe

Parcel Size: 2.0 ha

File: 53451

Parcel Identifier: 005-684-536

Lot 22, Section 5, Township 14, New Westminster District, Plan 42806

Civic Address: 27907 Townshipline Road, Abbotsford

Applicant: Patrick John Selinger, Janet Elaine Selinger and Kathleen Alice Selinger

Parcel Size: 3.4 ha

File: 53452

Parcel Identifier: 013-309-765

South Half of the East Half of the West Half of the South East Quarter, Section 5,
Township 14, New Westminster District

Civic Address: 27763 Townshipline Road, Abbotsford

Applicant: Mukhtiar Singh Toor and Amar Kaur Toor



Parcel Size: 7.9 ha

File: 53453

Parcel Identifier: 008-874-301

Lot 1, Section 32, Township 13, New Westminster District, Plan 26677

Civic Address: 27764 Townshipline Road, Abbotsford

Applicant: Norman Neil Van Vliet

Parcel Size: 4.3 ha

File: 53454

Parcel Identifier: 000-703-826

The North Half of the East Half of the West Half of the South East Quarter of Section
5, Township 14, New Westminster District

Civic Address: 5170 Baynes Street, Abbotsford

Applicant: Jasvir Singh Binning

Parcel Size: 8.0 ha

File: 53455

Parcel Identifier: 010-728-392

Lot 8, Section 5, Township 14, New Westminster District, Plan 2514

Civic Address: 5230 Baynes Street, Abbotsford

Applicant: Bryan Wilmer Sanders

Parcel Size: 2.3 ha

File: 53456

Parcel Identifier: 000-691-143

Lot 7, Section 5, Township 14, New Westminster District, Plan 2514

Civic Address: 5235 Baynes Street, Abbotsford

Applicant: Garry Joseph Kurtenacker and Geraldine Clara Kurtenacker

Parcel Size: 2.3 ha



File: 53457

Parcel Identifier: 012-732-770

Lot 9, Section 5, Township 14, New Westminster District, Plan 2514

Civic Address: 5282 Baynes Street, Abbotsford

Applicant: Ajay Pal Wadhawan

Parcel Size: 2.0 ha

File: 53458

Parcel Identifier: 012-732-761

Lot 6, Section 5, Township 14, New Westminster District, Plan 2514

Civic Address: 5305 Baynes Street, Abbotsford

Applicants: Bruce Allan Giesbrecht and Victoria Anne Bowes

Parcel Size: 2.0 ha

File: 53459

Parcel Identifier: 000-442-674

Lot 5, North East Quarter, Section 5, Township 14, New Westminster District, Plan 2514

Civic Address: 5379 Baynes Street, Abbotsford

Applicant: Gail Elaine Stanton

Parcel Size: 2.0 ha

File: 53460

Parcel Identifier: 012-732-834

Lot 12, Section 5, Township 14, New Westminster District, Plan 2514

Civic Address: 5478 Baynes Street, Abbotsford

Applicants: Lindsay Albert Ten Pas and Kelli Lee Fenner

Parcel Size: 2.0 ha

File: 53461

Parcel Identifier: 012-732-842

Lot 13, Section 5, Township 14, New Westminster District, Plan 2514



Civic Address: 5556 Baynes Street, Abbotsford

Applicants: Isamu Nishi and Sachiko Nishi

Parcel Size: 3.1 ha

File: 53462

Parcel Identifier: 008-502-170

Lot 27, Section 5, Township 14, New Westminster District, Plan 37773

Civic Address: 5441 Baynes Street, Abbotsford

Applicant: Daniel William Schulli and Kelly Anne Schulli

Parcel Size: 2.0 ha

(the properties involved in the applications are collectively referred to hereafter as the “Properties” and the applicants, the land owners, are collectively referred to hereafter as the “Applicants”)

- [2] The Properties are generally located within the area bounded by 56th Avenue and the Southern Railway of British Columbia Right of Way (north), Lefevre Road (east), Trans-Canada Highway 1 (south), and Gloucester Industrial Park and the City of Abbotsford - Township of Langley boundary (west) in the City of Abbotsford (the “City”).
- [3] The Properties are located within a designated agricultural land reserve (“ALR”) as defined in s. 1 of the *Agricultural Land Commission Act* (the “ALCA”).
- [4] The Properties are located within Zone 1 as defined in s. 4.2 of the ALCA.
- [5] Pursuant to s. 30(1) of the ALCA, the Applicants are applying to exclude the twenty-two (22) Properties, totalling approximately 91 ha, from the ALR (the “Applications”).
- [6] On February 4, 2015, the Chair of the Agricultural Land Commission (the “Commission”) referred the Applications to the South Coast Regional Panel (the “Panel”).



- [7] Although individual applications were required due to the separate land ownership of the Properties, the Applications were reviewed by the Panel as a single proposal because of the nature of the submissions in conjunction with the Applications.

RELEVANT STATUTORY PROVISIONS

- [8] The Applications were made pursuant to s. 30(1) of the *ALCA*:

30 (1) An owner of land may apply to the commission to have their land excluded from an agricultural land reserve.

- [9] The Panel considered the Applications 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 Applications, including all supporting documentation submitted
2. Local government documents
3. Agricultural capability map, ALR context map, and satellite imagery

All documentation noted above was disclosed to the Agents in advance of this decision.



[11] The City resolved to forward the Applications to the Commission with support, subject to a \$20,000/acre contribution to the Agricultural Enhancement Endowment Fund for land excluded from the ALR at the time of rezoning.

APPLICANT MEETING

[12] On March 17, 2015, the Panel conducted a meeting with the Agents and other representatives (the "Application Meeting") in accordance with s. 22(1) of BC Regulation 171/2002 (*Agricultural Land Reserve Use, Subdivision and Procedure Regulation*). The Application Meeting was held at the Commission offices, 133 – 4940 Canada Way, Burnaby. In addition to the Panel, those in attendance were:

Ron Emerson, Emerson Real Estate Group Inc. (Agent)
Oleg Verbenkov, Pacific Land Resource Group Inc. (Agent)
Christopher Correia, Pacific Land Resource Group Inc. (Agent)
Chris Morrison, Colliers International
Chris MacCauley, Colliers International
George Murray, City of Abbotsford
Siri Bertelesen, City of Abbotsford

[13] The following Commission staff also attended the Application Meeting: Tony Pellett, Regional Planner, and Eamonn Watson, Land Use Planner.

[14] During the Application Meeting the Agents provided an overview of the Applications as well as a summary of the documents submitted in support of the Applications. The Application Meeting detailed the rationale for the proposed exclusion of land from the ALR. In addition, the Panel asked a few questions to clarify matters identified in the presentation. A copy of the accompanying visual presentation was provided to Commission staff and entered as part of the record regarding the Applications.

[15] After the Application Meeting, the Panel determined that a site visit to the Properties would aid the review of the Applications.



SITE VISIT

[16] On April 15, 2015, the Panel conducted a walk-around site visit in accordance with the *Policy Regarding Site Visits in Applications* (the "Site Visit").

[17] A site visit report was prepared in accordance with the *Policy Regarding Site Visits in Applications*. The report was provided to the Agents in draft on July 15, 2015 and comments were received on July 21, 2015. An updated draft based on the July 21, 2015 comments was provided to the Agents on July 21, 2015. After receiving confirmation from the Agents the site visit report was finalized and provided to the Agents on September 17, 2015 (the "Site Visit Report")

FINDINGS

[18] In assessing agricultural capability, the Panel referred in part to the 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/1(d) for the mapping units encompassing the Properties are Class 2 and Class 3.

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 the Properties are A (soil moisture deficiency), D (undesirable soil structure), T (topography (slope)) and W (excess water).

[19] In addition to the ratings identified on the BCLI map sheet 92G/1(d), the Panel considered a report regarding the agricultural capability of the Properties titled *Agricultural Capability Assessment Gloucester East Area*, prepared by Stewart Brown, M.Sc., P.Ag., R.P.Bio. and Ned Pottinger, M.Sc., P.Geo. P.Ag of Pottinger Gaherty Environmental Consultants Ltd., dated October 2012 (the "PGL Capability Report"). Pottinger Gaherty Environmental

Consultants Ltd. conducted a site specific survey of the soils for accessible portions of the Properties to assess the agricultural capability ratings. The PGL Capability Report states that the agricultural capability “was primarily limited by dense, subsurface horizons, topography, excess water and undesirable soil structure”. The PGL Capability Report states the agricultural capability ratings of the Properties as follows:

- *An improved agricultural capability classification of 100% 3D and an unimproved rating of 100% 4DA across the majority of the [the Properties].*
- *An improved agricultural capability classification of 100% 3TD and an unimproved rating of 100% 4DTA in the southern and eastern portions of the [Properties].*
- *An improved agricultural capability classification of 80% 3TD and 20% 4TWD and an unimproved rating of 80% 4TD and 20% 5TW in the northwest portion of the [Properties].*
- *An improved agricultural capability classification of 100% 3DW and an unimproved rating of 100% 5W in the eastern portion of the [Properties].*

[20] Although the BCLI information and the PGL Capability Report suggest some limitations to the agricultural capability of the Properties, these limitations do not form the sole basis for exclusion. Agricultural land in the Province of British Columbia, specifically that which is in the ALR, is a working landscape consisting of land and properties that vary in agricultural capability. The Panel finds that the land making up the Properties is generally capable of supporting agriculture and is appropriately designated within the ALR.

[21] The PGL Capability Report also addressed the matter of the suitability of the Properties for agriculture production. However, the report titled *Re: Agricultural Suitability Assessment, Gloucester East Area, Abbotsford, BC* prepared by Stewart Brown, M.Sc., P.Ag., R.P.Bio. and Ned Pottinger, M.Sc., P.Geo. P.Ag of Pottinger Gaherty Environmental Consultants Ltd., dated October 17, 2012 (the “PGL Suitability Report”) addressed the agricultural suitability of the Properties in more detail. The PGL Suitability Report discussed issues related to the position of the Properties, the setting of the Properties, access to the Properties, and irrigation and drainage constraints. Although limitations to the agricultural suitability of the Properties do exist, agricultural land is

rarely without such limitations, or put another way, without agricultural management requirements. Existing and potential agricultural pursuits on the Properties, like most land in the ALR, likely require a range of farm management. The need for effective farm management is not an appropriate reason to exclude land from the ALR.

[22] The Panel was informed of the reasons that industrial development is proposed for the Properties, such as access and the existing industrial land uses to the west (Gloucester Industrial Park). However, the potential to develop a property or properties in the ALR for an alternate land use does not suggest that the land should be excluded from the ALR. The Panel must preserve agricultural land despite the potential to use land for alternate land uses.

[23] In 2005, the Commission approved the exclusion of approximately 180 ha of land from the ALR in Abbotsford conditional on rezoning for the City's intended industrial use. This decision was in response to a 372 ha block application submitted by the City (decision recorded as Resolution #384/2005). The block application was related to planning work that the City had undertaken regarding industrial development in Abbotsford; the overarching plan is referred to as the *City in the Country Plan* (the "CICP"). Although the general area where the Properties are located is identified in the Fraser Valley Regional Growth Strategy as "under negotiation with the Commission and other stakeholders", this area was not part of the final CICP nor the Commission's decision in this regard.

[24] The Panel suggests that this type of issue is more appropriately initiated by a local government as part of a broad planning review. If the City is of the opinion that this development is necessary, discussion with the Commission may be warranted. However, this should only be pursued in the context of reviewing the current available industrial land in Abbotsford and the CICP as well as the lands not yet excluded from the ALR as part of the decision noted above.

[25] The contribution to the City's Agricultural Enhancement Endowment Fund noted in the City's forwarding resolution would undoubtedly be substantial and could result in agricultural improvements in the City. However, this aspect of the Applications is intended to satisfy an objective of the City and the Panel finds that it would not be



appropriate to consider financial contributions as a potential offset for the exclusion of land from the ALR.

DECISION

[26] For the reasons given above, the Panel refuses the Applications to exclude the twenty-two (22) Properties, totalling approximately 91 ha, from the ALR.

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

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

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

[28] Decisions recorded as:

File 53441: Resolution #17/2016	File 53442: Resolution #18/2016
File 53443: Resolution #19/2016	File 53444: Resolution #20/2016
File 53445: Resolution #21/2016	File 53446: Resolution #22/2016
File 53447: Resolution #23/2016	File 53448: Resolution #24/2016
File 53449: Resolution #25/2016	File 53450: Resolution #26/2016
File 53451: Resolution #27/2016	File 53452: Resolution #28/2016
File 53453: Resolution #29/2016	File 53454: Resolution #30/2016
File 53455: Resolution #31/2016	File 53456: Resolution #32/2016
File 53457: Resolution #33/2016	File 53458: Resolution #34/2016
File 53459: Resolution #35/2016	File 53460: Resolution #36/2016
File 53461: Resolution #37/2016	File 53462: Resolution #38/2016

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



Upon instruction of the Panel, I have been authorized to release the Reasons for Decision. The decision is effective upon release.

A handwritten signature in blue ink, consisting of a large, stylized 'C' followed by a 'J' and an 'F'.

Colin J. Fry, Chief Tribunal Officer

January 21, 2016
Date Released