



Agricultural Land Commission
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March 1, 2016

ALC File: 54277

Henry and Irene Unruh
32439 Huntingdon Road
Abbotsford, BC V2T 5Y9

Dear Mr. and Mrs. Unruh:

Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #72/2016) as it relates to the above noted application. A sketch plan depicting the decision has been attached.

Please send a digital copy or two (2) paper copies of the final survey plan to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

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 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

Enclosures: Reasons for Decision (Resolution #72/2016)
Sketch Plan

cc: City of Abbotsford – Attention: Matt Steyer (File: 3040-20/A14-025)
32315 South Fraser Way, Abbotsford, BC V2T 1W7

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AGRICULTURAL LAND COMMISSION FILE 54277

**REASONS FOR DECISION
OF THE SOUTH COAST PANEL**

Application submitted pursuant to s. 21(2) of the *Agricultural Land Commission Act*

Applicants:

**Henry David Unruh
Irene Helen Unruh
(the “Applicants”)**

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: 006-438-962

Lot 16, Section 8, Township 16, New Westminster District, Plan 49425

(the "Property")

[2] The Property is 1.0 ha in area.

[3] The Property has the civic address 32439 Huntingdon Road, Abbotsford.

[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. 21(2) of the *ALCA*, the Applicants are applying to subdivide the Property into two (2) lots of approximately equal size, 0.5 ha (the "Application").

[7] On November 13, 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. 21(2) of the *ALCA*:

21(2) An owner of agricultural land may apply to the commission to subdivide 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. Agricultural capability map, ALR context map, and satellite imagery

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

[11] The City of Abbotsford resolved to forward the Application to the Commission “with support.”

SITE VISIT

[12] 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.

FINDINGS

[13] 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/1(c) for the mapping units encompassing the Property are Class 1, more specifically (1).

Class 1 - land is capable of producing the very widest range of crops. Soil and climate conditions are optimum, resulting in easy management.

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.

[14] Although the Panel finds that the Property is appropriately designated within the ALR, the size of the Property (1.0 ha) along with the size of properties in the immediate vicinity of the Property suggests that the creation of an additional lot in this instance will not affect agriculture.

[15] The Panel finds that the subdivision of the Property into two (2) lots will not further impact the agricultural suitability of the Property in this instance and will not present any additional impacts on surrounding agricultural land.

[16] The Application is consistent with lot sizes in the immediate localized area. The sizes of the properties in this area were established before the ALR was established. The Panel finds that the Application is in keeping with the historic property sizes in this particular area.

DECISION

[17] For the reasons given above, the Panel approves the Application to subdivide the Property into two (2) lots of approximately equal size, 0.5 ha.



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

- a. the subdivision must be in substantial compliance with the plans and information submitted with the Application; and
- b. the subdivision plan must be completed within three (3) years from the date of this decision.

[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 #72/2016.

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 by Resolution #72/2016. The decision is effective upon release.



Colin J. Fry, Chief Tribunal Officer

March 1, 2016
Date Released

**ALC Application #54277
Approved Subdivision
Resolution #72/2016**

