



**Agricultural Land Commission**  
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Burnaby, British Columbia V5G 4K6  
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www.alc.gov.bc.ca

November 25<sup>th</sup>, 2016

ALC File: 54438

Sanborn & Assoc. Inc.  
45974 Ivy Avenue  
Chilliwack, BC V2R 2C5

Dear Mr. Sanborn:

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

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution # 400/2016) as it relates to the above noted Application. As agent, it is your responsibility to notify the applicant accordingly.

**Reconsideration of a Decision as Directed by the ALC Chair**

Please note that pursuant to [s. 33.1 of the Agricultural Land Commission Act](#), the Chair may direct the executive committee to reconsider any 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 s. 6, or does not adequately take into consideration s. 4.3.

You will be notified in writing if the Executive Committee is directed to reconsider your decision. The Commission advises you to take this 60 day period into consideration prior to proceeding with any actions upon this decision.

**Reconsideration of a Decision by an Affected Person**

We draw your attention 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.

For further clarity, s. 33.1 and s. 33(1) are separate and independent sections of the *Agricultural Land Commission Act*.

Further correspondence with respect to this Application is to be directed to Kelsey-Rae Russell at (KelseyRae.Russell@gov.bc.ca).

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Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read "K Russell". The signature is stylized and cursive.

Kelsey-Rae Russell, Land Use Planner

Enclosure:   Reasons for Decision (Resolution #400/2016)  
                  Sketch Plan

cc: City of Chilliwack – Attention: Gillian Villeneuve (File: ALR00262)

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## **AGRICULTURAL LAND COMMISSION FILE 54438**

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

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

**Applicant:** **Fiore Farms Inc.**  
**(the “Applicant”)**

**Agent:** **Grant Sanborn**  
**(the “Agent”)**

**Application before the South Coast Regional Panel:** **William Zylmans, Panel Chair**  
**Gordon McCallum**



## **THE APPLICATION**

[1] The legal description of the properties involved in the Application are:

Property 1

Parcel Identifier: 025-507-320

Lot 1, District Lot 470, Group 2, New Westminster District, Plan BCP826

Area: 0.8 ha

Property 2

Parcel Identifier: 025-507-338

Lot 2, District Lot 470, New Westminster District, Plan BCP826

Area: 39.0 ha

(collectively the “Properties”)

[2] The Properties have the civic address 11310 Gill Road and 11350 Gill Road, Chilliwack respectively.

[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. 21(2) of the *ALCA*, the Applicant is applying to adjust the lot boundaries between Property 1 and Property 2 to create a 16.3 ha property and a 23.5 ha property (the “Proposal”). The Proposal along with supporting documentation is collectively the “Application”.

[6] On January 29, 2016, the Chair of the Agricultural Land Commission (the “Commission”) referred the Application to the South Coast Regional Panel (the “Panel”).

### **RELEVANT STATUTORY PROVISIONS**

[7] 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.

[8] 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**

[9] 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

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

[10] At its meeting of August 18, 2015, the City of Chilliwack resolved to forward the Proposal to the Agricultural Land Commission with 'support'."



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

Application ID: 43300  
Legacy File: 36812  
(Fraserdyke Farms Ltd., 2007)

To adjust the boundary between a 0.8 ha lot and a 39.7 ha lot to create an 11.7 ha lot and a 28.7 ha lot. As the proposal would create two parcels large enough for significant agricultural activity to continue, and are consistent with the surrounding agricultural lot size, the commission determined that it would have little impact on farm activities and had no objection to the proposal. The application was approved by ALC Resolution #667/2006 with the condition that the subdivision be completed within three years from the date of the decision.

**Note: Resolution #667/2006 approved an alternate alignment than the Proposal.**

**Note: The subdivision approved by Resolution #667/2006 expired January 30, 2010.**

## **SITE VISIT**

[12] The Panel, in the circumstances of the Application, did not consider it necessary to conduct a site visit to the Properties 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 92H/4f for the mapping units encompassing the majority of the Properties are approximately 60% 2T, 35% (7:2T-3:3T) and 5% 7:7W-3:5W

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 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 associated with this parcel of land are T (topographic limitations) and W (excess water).

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

[14] The Application provides the following rationale for the proposed boundary adjustment:

*Roughly a year ago, Shadow approached Qualitree to jointly purchase the two properties located at 11310 and 11350 Gill Road with the intent to apply to the City of Chilliwack for approval to change the boundaries of the two properties to create two larger farms to allow both companies to expand their agricultural production capacities. With the cost of land in the area skyrocketing the 100 acre section was very expensive for a single farmer to purchase. Thus we purchased the two properties together with the intention that following the boundary adjustment Shadow would take ownership of the 60 acres of land on the north side of the property and north side of the dyke, and Qualitree would take ownership of the 40 acres on the south side of the property (pending approval). See enclosed legal survey document for a detailed drawing of the proposal.*

The Panel considered the rationale of the Proposal which is to align the ownership structure with Shadow Produce and Qualitree as separate enterprises. The proposed subdivision would create a 16.2 ha parcel of cranberries, and a 13.3 ha parcel of hedging cedar, vegetables, and nurseries.

[15] In this circumstance, the Panel finds that the lots created by the Proposal would each be large enough to support a viable farm operation. Moreover, the Proposed lot sizes are consistent with the surrounding agricultural lot size; as such, the Commission determined that it would have little impact on farm activities and found no objection to the Proposal.

### **DECISION**

[16] For the reasons given above, the Panel approves the Proposal.

[17] The Proposal is approved subject to the following conditions:

- a. the preparation of a subdivision plan to delineate the area to be subdivided as per the drawing submitted with the Application;
- b. that the subdivision be in substantial compliance with the plan submitted with the Application;
- c. submission of two (2) paper copies or one (1) electronic copy of the final survey plan to the Commission;
- d. and the subdivision plan being completed within three (3) years from the date of release of this decision.

[18] When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the subdivision plan.

[19] These are the unanimous reasons of the South Coast Panel of the Agricultural Land Commission.

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

[21] This decision is recorded as Resolution #400/2016 and is released on November 25<sup>th</sup> 2016.





**CERTIFICATION OF DECISION**

A handwritten signature in black ink, appearing to read 'W. J. Zylmans', with a long horizontal flourish extending to the right.

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William Zylmans, Panel Chair, on behalf of the South Coast Panel

**END OF DOCUMENT**



**Application ID# 54438 (Fiore)**  
**Conditionally Approved Subdivision**  
**ALC Resolution # 400/2016**

