



**Agricultural Land Commission**  
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June 3, 2016

ALC File: 54561

Jeff Bisschop  
8950 Ford Road  
Rosedale, BC V0X 1X2

Dear Mr. Bisschop:

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

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #182/2016) as it relates to the above noted application. As agent, it is your responsibility to notify your client 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". 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

Enclosure: Reasons for Decision (Resolution #182/2016)

cc: District of Kent – Attention: Darcey Kohuch (File No.: ALC15-01), via electronic mail

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**AGRICULTURAL LAND COMMISSION FILE 54561**

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

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

**Applicant:** Elkview Enterprises Ltd.  
(the "Applicant")

**Agent:** Jeff Bisschop  
(the "Agent")

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



**THE APPLICATION**

[1] The legal descriptions of the properties involved in the application are:

Property 1

Parcel Identifier: 008-967-717

Lot "J", Except: Part Subdivided by Plan 23662; Section 25, Township 3, Range 29, West of the Sixth Meridian, New Westminster District, Plan 20663

Area: 9.0 ha

Civic Address: 1874 Fir Road, Kent

Property 2

Parcel Identifier: 009-248-242

Lot "L", Section 25, Township 3, Range 29, West of the Sixth Meridian, New Westminster District, Plan 23662

Area: 0.2 ha

Civic Address: 1964 Fir Road, Kent

(collectively referred to hereafter as the "Properties")

- [2] The Properties are located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").
- [3] The Properties are located within Zone 1 as defined in s. 4.2 of the *ALCA*.
- [4] Pursuant to s. 21(2) of the *ALCA*, the Applicant is applying to adjust the legal lot boundaries of the Properties to create two (2) lots, one (1) lot approximately 2.4 ha in size and one (1) lot approximately 6.8 ha in size (the "Proposal"). The Proposal along with supporting documentation is collectively referred to hereafter as the "Application".
- [5] On March 3, 2016, 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. 21(2) of the *ALCA*:

21(2) An owner of agricultural land may apply to the commission to subdivide agricultural land.

[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. Agricultural capability map, ALR context map, and satellite imagery

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

[9] The District of Kent (the "District") resolved to forward the Application to the Commission with support.



**SITE VISIT**

[10] 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**

[11] 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/4(f) for the mapping units encompassing the Properties are Class 1 and Class 2, more specifically (8:1 – 2:2T) and (8:2T – 2:2W).

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.

The limiting subclasses associated with these parcels of land are A (soil moisture deficiency), T (topography (slope)) and W (excess water).

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

[12] The Application argues that the Proposal would create "two self sufficient farms". However, the Panel believes it could be equally argued that the Proposal reduces the size of the 9.0 ha property, by roughly a third. The Panel finds that the Application will be tantamount to subdividing the 9.0 ha property.

[13] Generally, the Panel does not support the subdivision of ALR properties into smaller parcels as it often reduces the types of agriculture that can occur. The Panel finds that



the Application is inconsistent with the objectives of the ALCA to preserve agricultural land and encourage farming.

[14] The District *Report to Council*, dated January 6, 2016, included comments from Ministry of Agriculture staff with respect to the Proposal. Ministry of Agriculture staff "are not in favour of the [Proposal] as reducing the size of a 9 ha parcel to create a 2 to 2.4 ha parcel in not going to enhance agricultural opportunity over the long term".

[15] After weighing all factors, the Panel finds that the Properties are more suitable for agriculture if maintained in their current configuration.

### **DECISION**

[16] For the reasons given above, the Panel refuses the Proposal to adjust the legal lot boundaries of the Properties to create two (2) lots, one (1) lot approximately 2.4 ha in size and one (1) lot approximately 6.8 ha in size.

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

[18] Decision recorded as Resolution #182/2016.

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

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Upon instruction of the Panel, I have been authorized to release the Reasons for Decision by Resolution #182/2016. The decision is effective upon release.

  
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Colin J. Fry, Chief Tribunal Officer

**June 2, 2016**  
**Date Released**