



Agricultural Land Commission
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November 4th, 2016

ALC File: 54946

Avinder Mann
44500 Elsie Place
Chilliwack, BC V2R 5N5
Dear Mr. Nicol:

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

Please find attached the Reasons for Decision of the South Coast Panel (Resolution #364/2016) as it relates to the above noted application.

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 #364/2016)

cc: City of Chilliwack (File: ALR00277)

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AGRICULTURAL LAND COMMISSION FILE 54649

REASONS FOR DECISION OF THE SOUTH COAST PANEL

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

Applicant:

**Avinder Mann
(the "Applicant")**

Agent:

**Kevin Nicol
(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:

Property 1

Parcel Identifier: 009-263-837

Lot 1, Section 9, Township 23 New Westminster District, Plan 10219

Area: 0.4 ha

Property 2

Parcel Identifier: 029-404-801

Lot 2, District Lot 9, Township 23, New Westminster District, Plan EPP44777

Area: 2.3 ha

(collectively the “Properties”)

[2] Property 1 has the civic address of 5794 Sumas Prairie Road, Chilliwack, BC. Property 2 has the civic address of 5668 Sumas Prairie Road, Chilliwack, BC.

[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 of the Properties to create two lots: one lot approximately 1.9 ha in size, and one lot approximately 0.8 ha in size (the “Proposal”). The Proposal along with supporting documentation is collectively the “Application”.

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] At its meeting of July 19, 2016, the City of Chilliwack resolved that the Application be forwarded to the Agricultural Land Commission without support.

FINDINGS

[10] 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/01a for the mapping units encompassing the Properties are Class 1 and Class 2, more specifically (5:1 - 3:2W - 2:2T).

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

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.

[11] The Application argues that the Proposal would make Property 1 a more suitable size to sustain a small farming operation. However, the Panel finds that the Proposal reduces the size of Property 2 which is currently used for agriculture, which in turn reduces the agricultural viability of the larger parcel. The Panel finds that Property 2 is more appropriately maintained for agriculture in its current configuration.

DECISION

[12] For the reasons given above, the Panel refuses the Proposal.

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

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

[15] This decision is recorded as Resolution #364/2016 and is released on November 4th, 2016.



CERTIFICATION OF DECISION

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

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