



**Agricultural Land Commission**  
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[www.alc.gov.bc.ca](http://www.alc.gov.bc.ca)

December 21, 2016

ALC File:55083

Kevin Hoffman  
2nd Floor - 510 West Hastings St  
Vancouver, BC, V6B1L8

Dear Mr. Hoffman:

**Re: Application to Conduct a Non-Farm Use in the Agricultural Land Reserve (ALR)**

Please find attached the Reasons for Decision of the South Coast Panel (Resolution #441/2016) as it relates to the above noted application. A sketch plan depicting the decision is also attached. 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 Jenna Bedore at ([Jenna.Bedore@gov.bc.ca](mailto:Jenna.Bedore@gov.bc.ca)).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read 'Jenna Bedore', with a stylized, wavy line extending from the end.

Jenna Bedore, Land Use Planner

Enclosures: Reasons for Decision (Resolution #441/2016)  
Sketch plan

cc: Wayne Moseanko, City of Chilliwack

55083d1



## **AGRICULTURAL LAND COMMISSION FILE 55083**

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

**Application submitted pursuant to s. 6 of BC Regulation 171/2002 (ALR Use, Subdivision and Procedure Regulation)**

**Applicant:** AD Chilliwack Holdings  
(the “Applicant”)

**Agent:** Kevin Hoffman  
(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:

Parcel Identifier: 025-641-999

Lot A, Section 28, Township 2 and Section 30, Township 29, Range 29 West of the  
6<sup>th</sup> Meridian, New West Minster District, Plan BCP4847

(the “Property”)

[2] The Property is 27.7 ha in area (7.9 ha in the ALR).

[3] The Property has the civic address 8360 Annis Road, Chilliwack BC.

[4] The Property is located partially 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. 6 of the BC Regulation 171/2002 (Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the “Regulation”), the Applicant is applying to use ~0.6 ha of ALR land for a road realignment that is necessary to meet Ministry of Transportation safety requirements. The Applicant is applying to disconnect Hack Brown Road from the on-ramp of the Annis Road Interchange and to connect it directly to Annis Road. The realignment will be approximately 215 m in length with an average road allowance width of 27.5 m (the “Proposal”). The Proposal along with supporting documentation is collectively the application (the “Application”).

## **RELEVANT STATUTORY PROVISIONS**

[7] The Application was made pursuant to s. 6 of the Regulation:

6 Unless permitted under sections 2 and 3, a person must file an application under section 34 (6) of the Act directly with the office of the commission and in a form acceptable to the commission for any of the following uses:

- (a) widening of an existing road right of way;
- (b) construction of a road within an existing right of way;
- (c) dedication of a right of way or construction of any of the following:
  - (i) a new or existing road or railway;
  - (ii) a new or existing recreational trail;
  - (iii) a utility corridor use;
  - (iv) a sewer or water line other than for ancillary utility connections;
  - (v) a forest service road under the [Forest Act](#);
- (d) the new use of an existing right of way for a recreational trail.

[8] The Panel considered the Application within the context of s. 6 of the *ALCA*. The purposes of the Agricultural Land Commission (the “Commission”) set out in s. 6 are as follows:

- 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. Previous application history
3. Agricultural capability map, ALR context map and satellite imagery

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

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

Application ID: 9507  
Legacy File: 24373  
(Blackburn Developments Ltd.,  
1990)

To develop 5 properties that are partially within the ALR (a total of 50.9 ha of ALR) as part of a 27 hole golf course. The Commission approved the application subject to conditions on buffering, fencing, siting of buildings, consolidation of parcels and limits to non-farm uses. The application was approved by ALC Resolution #353/1990.

Reconsideration Request

The Commission received a request from the applicant, dated February 14, 1994, to amend the conditions of Resolution # 353/1990. Most notably, the applicant requested the proposal be amended to include only 1 of the 5 ALR parcels, thus removing the requirement for consolidation. The Commission amended the conditions by ALC Resolution #133/94.

**Note: The parcel referred to in ALC Resolution #133/94 was consolidated with a non ALR parcel to the east to form what is now the Property.**

[11] The Panel reviewed one relevant application relating to the application:

Application ID: 33798  
Legacy File: 13130  
(Ministry of Highways, 1981)

To construct an overpass of Highway 1 at Annis Road so as to minimize the impact on agricultural land that would have resulted from conventional diamond interchange. The Commission approved the application by Resolution #84/82.

Reconsideration Request      The Commission received a request from the applicant to reconsider the decision made by Resolution #353/1990 as the design of the interchange had to be revised. The Applicant was required to discard the original proposal in favour of the standard diamond interchange with an under pass due to vertical clearance requirements for Hydro transmission lines near the Annis Road crossing. The reconsideration request was allowed subject to all agricultural buildings being protected or replaced if disturbed by construction. The Commission approved the reconsideration by Resolution #73/85.

### **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 rating identified on BCLI map sheet 92H/04f for the mapping units encompassing the portion of Property subject to the Non-farm use proposal is Class 3, more specifically (3DW).

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 this parcel of land are D (undesirable soil structure), and W (excess water).

[14] The Panel reviewed the BCLI ratings and find that the portion of the Property subject to the non-farm use Proposal has prime agricultural capability and could support a wide range of agriculture. However, it is already covered in buildings associated with the golf course.

[15] The Applicant provided the following information regarding the requirement for the road re-alignment:

*The purpose of this proposal is to meet the Ministry of Transportation requirement to disconnect Hack Brown Road from the "on ramp" of the Annis Road Interchange and to connect Hack Brown Road directly to Annis Road. In 1993 when development of the Eastern Hillside was being proposed, the Ministry of Transportation advised that as development occurred, and to address the safety of the Annis Road Interchange, there would be requirement to connect Hack Brown Road directly to Annis Road. Since 1993, considerable residential development has occurred south of Hack Brown Road and the Ministry of Transportation has confirmed it will not support further development of the hillside properties until this connection road has been installed.*

The Panel considered the impact of the Proposal on agriculture. The land required for the Proposal is ~0.65 ha. The proposed road will pass through the corner of an existing golf course, in an area that is already developed with infrastructure. The Panel finds that the proposed realignment will have a limited impact to agriculture as the land taking is minimal, and will not impact a cultivated area.

[16] The Panel finds that the Proposal will have a limited impact on agricultural land and will act to accommodate the requirements of the Ministry of Transportation and Infrastructure's initiative to increase road safety at Annis Road.



## **DECISION**

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

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

- a. the preparation of a survey plan(s) to delineate the area to be used for the road and right of way as per the the drawing submitted with the Application;
- b. the construction of the road 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. the plan being completed within three (3) years from the date of release of this decision;

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

[20] 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.

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

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

[23] This decision is recorded as Resolution #441/2016 and is released on December 21, 2016.



**CERTIFICATION OF DECISION**

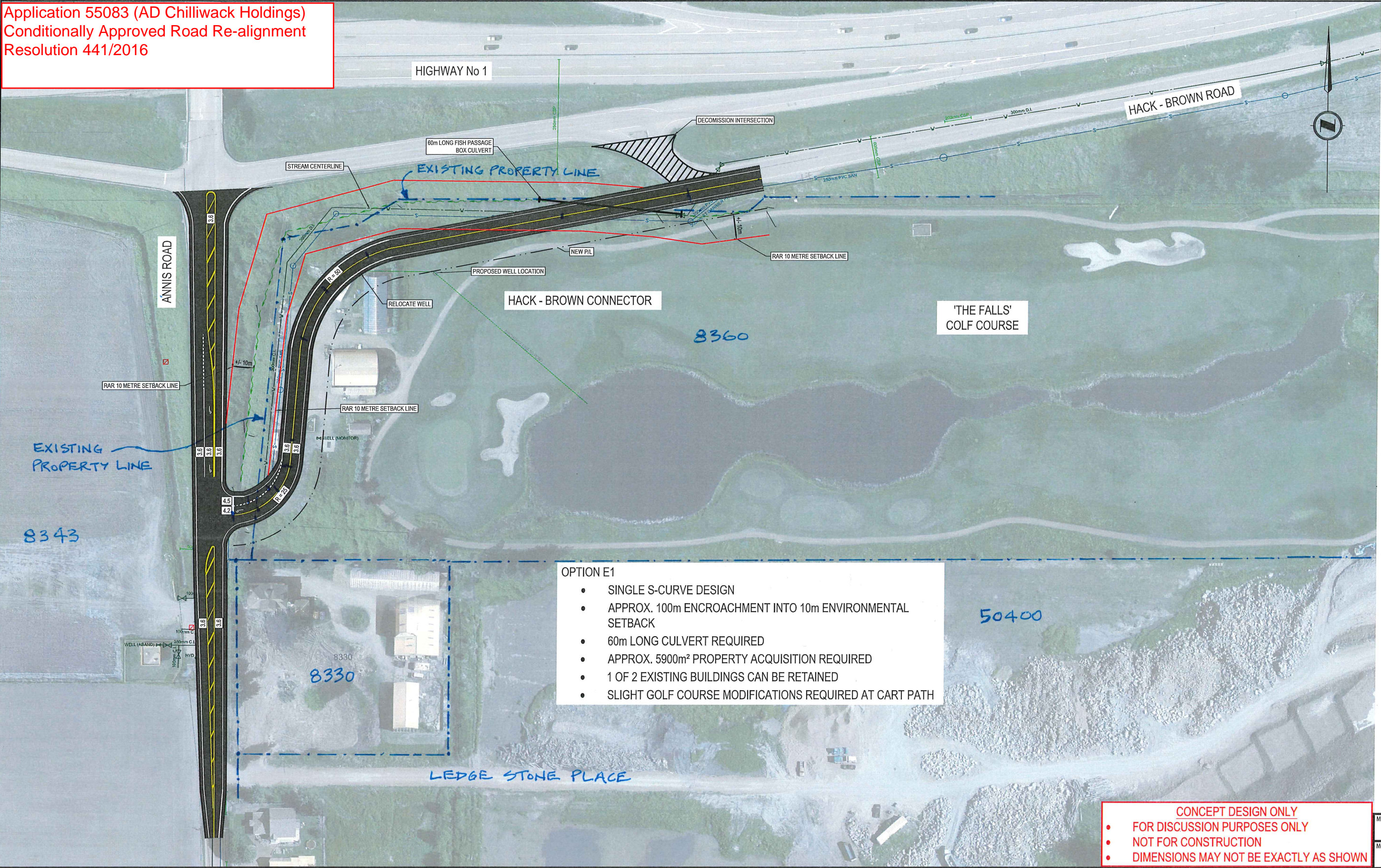
A handwritten signature in black ink, appearing to read 'W. Zylmans', is positioned above a horizontal line.

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

**END OF DOCUMENT**



Application 55083 (AD Chilliwack Holdings)  
Conditionally Approved Road Re-alignment  
Resolution 441/2016



- OPTION E1
- SINGLE S-CURVE DESIGN
  - APPROX. 100m ENCROACHMENT INTO 10m ENVIRONMENTAL SETBACK
  - 60m LONG CULVERT REQUIRED
  - APPROX. 5900m<sup>2</sup> PROPERTY ACQUISITION REQUIRED
  - 1 OF 2 EXISTING BUILDINGS CAN BE RETAINED
  - SLIGHT GOLF COURSE MODIFICATIONS REQUIRED AT CART PATH

CONCEPT DESIGN ONLY  
• FOR DISCUSSION PURPOSES ONLY  
• NOT FOR CONSTRUCTION  
• DIMENSIONS MAY NOT BE EXACTLY AS SHOWN

DATE: 2016-02-12, 12:58 FILE: C:\Temp\2111-03011-03 OPT 6 Hack Brown.dwg

| Rev | Date     | Description       | Drawn | Design | App'd |
|-----|----------|-------------------|-------|--------|-------|
| 1   | 2016.2.3 | ISSUED FOR REVIEW | SD    | MC/SD  |       |

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ORIGINAL DWG SIZE: ANSI D (22" x 34")



**McElhanney**  
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Approved Sealed

CITY OF CHILLIWACK  
ANNIS ROD INTERCHANGE  
HACK BROWN CONECTOR CONCEPT  
OPTION E1

|                        |              |
|------------------------|--------------|
| Municipal Project No.: |              |
| Municipal Drawing No.: |              |
| Drawing No.            | SK-106       |
| Project Number         | 2111-3011-00 |
| Rev.                   |              |

DESTROY ALL PRINTS BEARING PREVIOUS REVISION