



**Agricultural Land Commission**  
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June 9, 2016

ALC File: 55204

Ron and Ruth Popma  
A & R Dairy Farm Ltd.  
43501 South Sumas Road  
Chilliwack, BC V2R 4L6

Dear Mr. and Mrs. Popma:

**Re: Application to Subdivide Land in the Agricultural Land Reserve**

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #197/2016) as it relates to the above noted application.

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 #197/2016)

cc: City of Chilliwack – Attention: Gillian Villeneuve (File No.: ALR00261), via electronic mail

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**AGRICULTURAL LAND COMMISSION FILE 55204**

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

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

**Applicant:**

**A & R Dairy Farm Ltd.  
(the "Applicant")**

**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: 015-337-871

The South West Quarter, Section 15, Township 23, Exclusive of District Lot 287, Group 2, New Westminster District, Except: Firstly: The West 60 Acres; Secondly: Part Subdivided by Plan 38124; Thirdly: Part Subdivided by Plan LMP460 (the "Property")

[2] The Property is 14.5 ha in area.

[3] The Property has the civic address 43501 South Sumas Road, Chilliwack.

[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 Applicant is applying to subdivide the Property into two (2) lots, one (1) lot approximately 4.2 ha in size and one (1) lot approximately 10.3 in size (the "Proposal"). The Proposal along with supporting documentation is collectively referred to hereafter as the "Application".

**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, including, but not limited to, the report with the title *Revised Agricultural Impact Assessment Proposed Subdivision of 43501 South Sumas Road, Chilliwack, BC* prepared by Eryne Croquet, GIT, P.Ag. and Drew Brayshaw, Ph.D., P.Geo. of Statlu Environmental Consulting Ltd. dated February 5, 2016 (the "Agrologist Report");
2. Local government documents; and
3. Agricultural capability map, ALR context map, and satellite imagery.

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

[10] The City of Chilliwack resolved to forward the Application to the Commission "without support".





**SITE VISIT**

[11] 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**

[12] 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/01 for the mapping units encompassing the Property are Class 1, Class 2 and Class 3.

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.

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 A (soil moisture deficiency), T (topography (slope)) and W (excess water).

[13] In addition to the BCLI information, the Panel reviewed the Agrologist Report. The Agrologist Report provides more detail with respect to the agricultural capability of the land comprising the Property in addition to discussing the rationale for the Proposal. The Panel finds that the land comprising the Property is capable of supporting agriculture and is appropriately designated within the ALR.

[14] Subdivision can limit the agricultural opportunities for a property in the ALR and can impact the agricultural suitability of land over the long term. The subdivision of properties in the ALR into smaller parcels generally reduces the types of agricultural operations that can be pursued on the land. The Panel finds that the Proposal is not consistent with the goals of the *ALCA* and could potentially inhibit the future use of the Property for other types of agriculture production; the Property should be maintained in its current size.

[15] The Panel acknowledges that the Application is being advanced by an existing farm operation. However, the Commission has a Provincial focus and must consider all applications on the merits of the specific application within the legislated Provincial context. The Commission is also aware of the challenges related to generational transfer; however, farm estate planning and enabling the transfer of a farm to younger generations is not specifically within the legislative framework that guides the Commission. The Panel finds that the rationale provided in the Application is not sufficient to warrant supporting the subdivision of a parcel of land in the ALR.

### **DECISION**

[16] For the reasons given above, the Panel refuses the Proposal to subdivide the Property into two (2) lots, one (1) lot approximately 4.2 ha in size and one (1) lot approximately 10.3 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 #197/2016.

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 #197/2016. The decision is effective upon release.

A large, stylized handwritten signature in black ink, appearing to be "CJF", is written over a horizontal line. The signature is fluid and cursive.

Colin J. Fry, Chief Tribunal Officer

**June 7, 2016**  
**Date Released**