



Agricultural Land Commission
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July 25, 2016

ALC File: 55233

Kalvinder Mahal
16551 Westminster Highway
Richmond, BC V6V 2N6

Dear Mr. Mahal:

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

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #253/2016) 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 *ALCA*, 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 s. 6 of the *ALCA* or does not adequately take into account the considerations set out in s. 4.3 of the *ALCA*. 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 is to be directed to Liz Sutton at (Elizabeth.Sutton@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Colin J. Fry, Director of Policy and Planning

Enclosure: Reasons for Decision (Resolution #253/2016)

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cc: City of Richmond (File: 08-4105-04-04/2016-Vol 01)



AGRICULTURAL LAND COMMISSION FILE 55233

REASONS FOR DECISION OF THE SOUTH COAST PANEL

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

Applicant: **Mahal Farms Ltd.**
(the “Applicant”)

Agent: **Kalvinder Mahal**
(the “Agent”)

Application before the South Coast Regional Panel: **Bill Zylmans, Panel Chair**
Gord McCallum
Satwinder Bains



THE APPLICATION

[1] The legal description of the property involved in the application is:

Parcel Identifier: 007-436-815

South Half Section 2, Block 4 North, Range 5 West, Except: Part Subdivided By

Plan 27718, New Westminster District

(the "Property")

[2] The Property is 29.2 ha in area.

[3] The Property has the civic address 5800 No. 7 Road, Richmond.

[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 a 29.5 ha parcel into two parcels of 16.2 ha and 13.3 ha in order to align ownership structure with Mahal Farms' separate enterprises. (the "Proposal"). The Proposal along with supporting documentation is collectively (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
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.

[10] At its meeting of March 29, 2016, the City of Richmond resolved to endorse the Application and forward it to the Commission.

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/03 for the mapping units encompassing the Property are Class 2 and Class 3, more specifically (7:2WDN – 3:3WN) and (7:3WN – 3:2WDN).

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 W (excess water), D (undesirable soil structure) and N (salinity).

The Panel finds that the Property has good agricultural capability and can support a wide range of agricultural activities.

[13] The Panel considered the rationale of the Proposal which is to align the ownership structure with Mahal Farms' separate enterprises. The proposed subdivision would create a 16.2 ha parcel of cranberries and an environmentally sensitive area, and a 13.3 ha parcel of hedging cedar, vegetables, and nurseries. The Commission supports the diversification of farm enterprises as a positive way to support economic sustainability for farmers. Thus, considering diversification to be a justification for subdivision would be contrary to the goal of supporting current and future farmers.

[14] The subdivision of properties in the ALR into smaller parcels can limit the agricultural opportunities for those properties and can impact the agricultural suitability of land over the long term. The Panel finds that the Proposal is not consistent with the goals of the ALCA to preserve agricultural land and encourage agriculture and the Property should be maintained at its current size.

DECISION

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

- [16] Panel Chair Bill Zylmans concurs with the decision.
Commissioner Gord McCallum concurs with the decision.
Commissioner Satwinder Bains concurs with the decision.

- [17] Decision recorded as Resolution #253/2016.

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

Upon instruction of the Panel, I have been authorized to release the Reasons for Decision by Resolution #253/2016. The decision is effective upon release.



Colin J. Fry, Director of Policy and Planning

July 25, 2016

Date Released