



**Agricultural Land Commission**  
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February 8, 2017

ALC File: 54227

Randy May  
2600 No. 7 Road  
Richmond, BC V6V 1R2

Dear Mr. May:

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

Please find attached the Reasons for Decision of the South Coast Panel (Resolution #27/2017) as it relates to the above noted application. 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 Kamelli Mark at (Kamelli.Mark@gov.bc.ca).

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Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read 'KMARK', written in a cursive, slightly slanted style.

Kamelli Mark, Land Use Planner

Enclosure: Reasons for Decision (Resolution #27/2017)

cc: City of Richmond (File: AG 15-713643)

54227d1



## **AGRICULTURAL LAND COMMISSION FILE 54227**

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

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

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

**Agent:** **Randy May**  
**(the “Agent”)**

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



## **THE APPLICATION**

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

Property 1:

Parcel Identifier: 001-704-125

South Half Lot 2 Sections 14 and 23, Block 5, North Range 5, West New Westminster District, Plan 3129

Area: 8.6 ha

Property 2:

Parcel Identifier: 001-704-109

Lot "G", Section 23, Block 5, North Range 5, West New Westminster, District Plan 23309

Area: 4.2 ha

Property 3:

Parcel Identifier: 001-704-150

Block "C" Except: Firstly: Parcel "One" (Reference Plan 3214), Secondly : Parcel "Two" (Reference Plan 3098), Thirdly: Parcel "Three" (Explanatory Plan 9098), Fourthly: Part Subdivided by Plan 26807, Fifthly: Part in Statutory Right of Way Plan 4720, Sections 14 and 23, Block 5, North Range 5, West New Westminster, District Plan 690

Area: 9.9 ha

Property 4:

Parcel Identifier: 001-760-416

Parcel "A", Sections 14 and 23, Block 5, North Range 5, West New Westminster District, Reference Plan 69628

Area: 9.5 ha

Property 5:

Parcel Identifier: 001-704-141

Block "A", Except: Firstly: Part on Statutory Right of Way Plan 4720, Secondly: Part Subdivided by Plan 26807, Thirdly: Part Subdivided by Plan 5063, Sections 14 and 23, Block 5, North Range 5, West New Westminster District, Plan 690

Area: 8.9 ha

Property 6:

Parcel Identifier: 023-699-396

Parcel B, Section 24, Block 5, North Range 5 West, New Westminster District, Plan LMP32103

Area: 11.2 ha

Property 7:

Parcel Identifier: 016-476-751

Parcel A, Section 24, Block 5, North Range 5 West, New Westminster District, Explanatory Plan 86763

Area: 11.8 ha

(collectively the "Properties")

- [2] The Properties are generally described as being located at 2400 No. 7 Road and 2600 No. 7 Road in Richmond, 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 Applicants are applying to reconfigure the boundaries for the seven existing Properties and to create two additional properties (total of 9 properties) for the purpose of family succession planning:

- Proposed Lot 1: 0.6 ha
- Proposed Lot 2: 5.1 ha
- Proposed Lot 3: 3.3 ha
- Proposed Lot 4: 0.4 ha
- Proposed Lot 5: 0.4 ha
- Proposed Lot 6: 13.6 ha
- Proposed Lot 7: 17.6 ha
- Proposed Lot 8: 6.8 ha
- Proposed Lot 9: 16.2 ha

(the “Proposal”)

The Proposal along with supporting documentation is collectively the application (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*. 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**

[8] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Previous application history
4. Agricultural capability map, ALR context map and satellite imagery
5. Additional information provided by the Applicant

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

[9] At its meeting of March 22, 2016, the City of Richmond resolved *“[t]hat the Agricultural Land Reserve Application by Mayberry Farms Ltd. to subdivide 2400 and 2600 No. 7 Road and five (5) adjacent un-addressed parcels, be endorsed and forwarded to the Agricultural Land Commission.”*

[10] The Panel reviewed three previous applications involving the Properties:

Application ID: 15934  
Legacy File: 17963  
(May Brothers Farms Ltd., 1984)

To adjust the boundaries amongst 164 parcels totaling a combined 222.6 ha, and to subdivide an additional three 1.21 ha lots and one lot of 6.3 ha from the 222.6 ha. The Commission wished to maintain maximum agricultural options for the property, including both soil and non-soil bound uses; however, the Commission had no objection to the proposed boundary adjustment and noted that they

would allow the creation of three 1.21 ha lots and one 6.3 ha lot subject to the presentation of a plan for consolidation of lands immediately north of the parcel. The application was refused by ALC Resolution #1074/1984.

Reconsideration Request

The Commission received a request, dated September 24, 1984, from the applicants to reconsider Resolution #1074/1984. The applicants met with Commission staff to discuss consolidation alternatives and proposed the consolidation of 10 lots into four parcels, along with a boundary realignment. The Commission determined that the request be allowed and the proposed subdivision be approved subject to the consolidation of the 10 lots into four parcels. The request was allowed by ALC Resolution #1460/1984.

**Note: the Properties were among the 164 parcels considered under Application 15934.**

Application ID: 40406  
Legacy File: 21594  
(Duncan May & Sons Farms Ltd.,  
1988)

To subdivide portions of 12 properties consisting of a total of 102.7 ha along with some parcel consolidation and no net increase in the number of parcels. The Commission determined that the overall proposal would not constitute a significant impact on the long term farming potential of the May family's farms or the East Richmond agricultural area. The application was approved by Resolution #266/88.

**Note: Property 7 was created by this application.**



Application ID: 2835  
Legacy File: 29514  
(Richland Farms Ltd., 1995)

To subdivide Lot 3 into three parcels of approximately 14 ha, 13 ha, and 4 ha each and to consolidate two additional properties of 5.5 ha each and two additional parcels of 1.9 ha and 2.7 ha respectively to reflect the patterns in which the property is being farmed for cranberries. The Commission agreed that the proposal would allow for better utilization of the land for cranberry farming purposes and that the consolidation proposal combined with the proposed subdivision would not create a net increase in the number of parcels. The application was approved by Resolution #445/95.

**Note: Property 6 was created by this application.**

## **SITE VISIT**

[11] The Panel, in the circumstances of the Application, did not consider it necessary to conduct a site visit to the Properties 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\_03g for the mapping units encompassing the Properties are primarily Class O2W.

O – indicates organic soils.

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 subclass associated with these parcels of land is W (excess water).

[13] In addition, the Panel received an opinion letter from a professional Agrologist, prepared by R.G. (Bob) Holtby, P.Ag., dated July 15, 2015 (the “Holtby letter”). The Holtby letter confirms that the “O” for organic soils classification noted on the Canada Land Inventory (CLI) map is consistent with the inspection findings and that *“peat soils are ideal for cranberry production and have been used by the May family for this purpose for generations”*.

[14] The Panel reviewed the BCLI ratings and the Holtby letter and find that the Properties have prime agricultural capability and could support a wide range of crops.

[15] There are existing farm buildings, a house, and a cranberry field located on Property 1. There is an existing house and an irrigation reservoir located on Property 2. Property 3, 4, 5, 6, and 7 are currently used for a cranberry operation.

[16] The Application states that the purpose of the Proposal is for *“family succession with current crop fields to line up with new property lines”*. The Panel acknowledges that the Application is being proposed by a large multi-generational farm operation; however, the Panel must consider the merits of the Application within the context of s. 6 of the *ALCA*. The Panel acknowledges that inter-generational transfer and family succession planning can be challenging; however, the Panel notes that this can be achieved by means other than the subdivision of agricultural land. The subdivision of agricultural land for residential purposes does not preserve farmland for agricultural uses, nor does the parcelization of agricultural land into small lots encourage farming; rather, the Panel finds that the creation of small lots within the ALR can restrict the feasibility of some types of agricultural operations. As such, the Panel finds that the Proposal does not fulfill the purposes of the Commission as set out in s. 6 of the *ALCA*.

## **DECISION**

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

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

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

[20] This decision is recorded as Resolution #27/2017 and is released on February 8, 2017.

**CERTIFICATION OF DECISION**

A handwritten signature in black ink, appearing to read 'W. Zylmans', with a long horizontal flourish extending to the right.

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

**END OF DOCUMENT**