



Agricultural Land Commission
133–4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

January 16th, 2017

ALC File: 54977

Richard Fortin
8550 Young Road
Chilliwack, BC V2P 8A4

Attention: Richard Fortin

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 #8/2017) 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 Kelsey-Rae Russell at (KelseyRae.Russell@gov.bc.ca).

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

Enclosures: Reasons for Decision (Resolution #8/2017)
Sketch plan

cc: City of Chilliwack (File: ALR00275)

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AGRICULTURAL LAND COMMISSION FILE 54977

REASONS FOR DECISION OF THE SOUTH COAST PANEL

Application submitted pursuant to s. 20(3) of the *Agricultural Land Commission Act*

Applicant: City of Chilliwack
(the “Applicant”)

Agent: Richard Fortin
(the “Agent”)

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

THE APPLICATION

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

Parcel Identifier: 023-474-882

Lot 1, District Lot 267, Group 2, New Westminster District, Plan LMP29098
(the "Property")

[2] The Property is 1.0 ha in area.

[3] The Property has the civic address 7215 Sheffield Way, Chilliwack, BC.

[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. 20(3) of the *ALCA*, the Applicants are applying to operate an off-leash dog park on a 0.6 ha area of the Property, with the remaining 0.2 ha to be retained as shrubs and trees (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. 20(3) of the *ALCA*:

20(3) An owner of agricultural land or a person with a right of entry to agricultural land granted by any of the following may apply to the commission for permission for a non-farm use of agricultural land.

[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. Local government documents
3. Previous application history
4. 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 July 19, 2016 the City of Chilliwack resolved that the Application be forwarded to the Commission with support.

[11] The Panel reviewed two previous applications involving the Property:

Application ID: 11223
Legacy File: 75-138
(Sheffield Estates, 1975)

To exclude land from the Agricultural Land Reserve. The Commission found that the land is capable of supporting a wide range of crops. The application was refused by Resolution #2157/75.



Application ID: 1375
Legacy File: 27554
(Marion Estates, 1992)

To construct a road connecting Sheffield Way north to Knight Road on the east side of the Railway Right-of-Way. The Commission noted that the applicant amended their proposal in order to intrude less on ALR land and include vegetative buffering between farmed and urban land uses. The application was approved by Resolution #17/1995 subject to conditions.

Note: The above applications resulted in the current configuration of the Property.

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 ratings identified on BCLI map sheet 92H/04e for the mapping units encompassing the Property are Class 1 and 2, more specifically, (5:2W-3:1-2:2T)

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).

- [14] Based on the agricultural capability ratings identified by the BCLI map, the Panel finds that the Property has prime agricultural capability and is appropriately designated within the ALR.
- [15] The Proposal would convert 0.6 ha of the 1 ha Property into a dog off leash area. The Property has a paved parking lot and is frequented by pedestrians and dog owners who are using the area as an unauthorized dog exercise area. The Applicant argues that by creating a designated off-leash dog area, ongoing trespass by dog owners on neighbouring agricultural properties to the east of the Property can be reduced. The Panel finds that the Proposal may provide an appropriate buffer between the agricultural uses on the east and the residential uses to the south and west of the Property.
- [16] In the Proposal, the Applicant argues that the Proposal will “*neither detract from the agricultural land, present or future, nor create any conflict between the proposed public use and the agricultural operations on lands to the east.*” The Panel agrees that the Proposal will not compromise the agricultural viability of the Property, so long as no permanent alterations to the Property are necessary in order to develop the off-leash dog area.
- [17] The Panel, in its deliberations, noted that the lands adjacent to the Property include residential developments. Although the location of the Property and its historical recreational use make the Property less likely to be used for agriculture in the short term, the Panel is amenable to allowing the Proposal as it doesn’t believe the Proposal will impact the Property’s future agricultural capability.
- [18] The Proposal includes the installation of a new fence on the Property for the purpose of separating large dogs and small dogs within the park. The Panel is amenable to the installation of a fence, as this is a reversible modification which does not compromise the agricultural capability of the Property. However, the Panel finds that no permanent infrastructure is necessary for the Proposal and that all existing infrastructure on the



Property, including the existing paved parking lot, must remain in its current footprint and location.

DECISION

[19] For the reasons given above, the South Coast Panel approves the Proposal to operate an off-leash dog park on 0.6 ha of the Property, with the remaining 0.2 ha to be retained as shrubs and trees.

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

- a. The existing parking lot must remain in its current location and footprint;
- b. The installation of fencing for the purpose of separating large and small dogs using the park;
- c. No other permanent infrastructure may be placed on the Property aside from fencing; and
- d. Approval for non-farm use is granted for the sole benefit of the Applicant and is non-transferable.

[21] 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.

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

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

[24] This decision is recorded as Resolution #7/2017 and is released on January 16th, 2017.

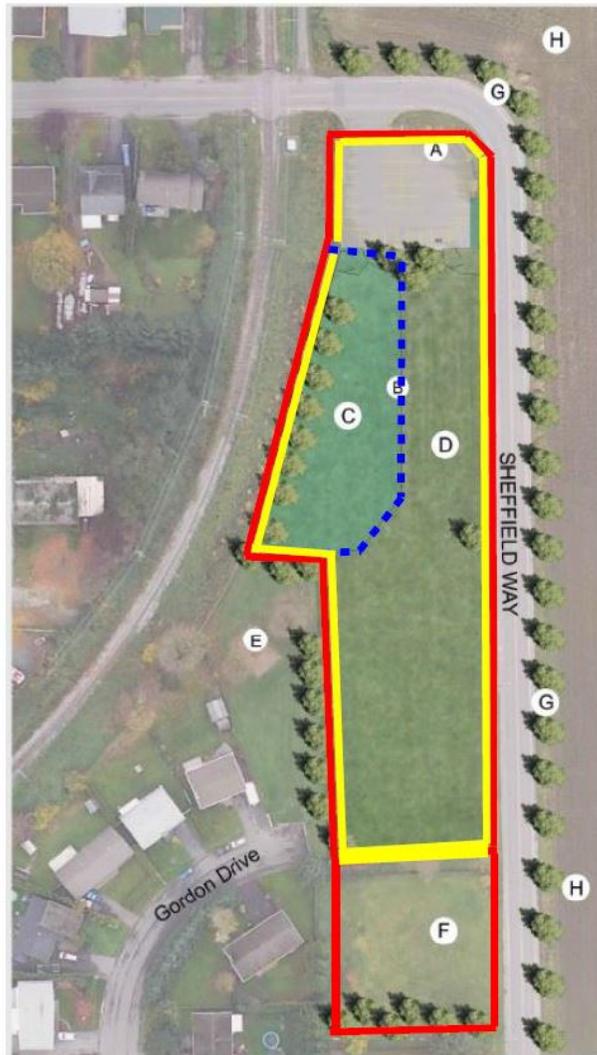


CERTIFICATION OF DECISION

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

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

END OF DOCUMENT



Design Details

- A Existing paved parking lot
- B Proposed additional fence line
- C Small Dog off Leash area
- D Large Dog off Leash area
- E Existing Maple Park
- F Area to remain unused
- G Proposed Street Tree Planting
- H Adjacent Farmland



**Application ID# 54977(City of Chilliwack)
Conditionally Approved Non-Farm Use
ALC Resolution # 8/2017**

-  Subject Property
-  Conditionally Approved Non-Farm Use Area (600 m²)
-  Conditionally Approved Fence