



Agricultural Land Commission
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www.alc.gov.bc.ca

January 17, 2017

ALC File: 55263

Daniela Lind
3758, 6014 Vedder Road
Chilliwack, BC V2R 5P5

Dear Ms. Lind:

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

Please find attached the Reasons for Decision of the South Coast Panel (Resolution #9/2017) 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 Kamelli Mark at (Kamelli.Mark@gov.bc.ca).

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Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink that reads "KMARK". The letters are bold and stylized, with a cursive-like flow.

Kamelli Mark, Land Use Planner

Enclosures: Reasons for Decision (Resolution #9/2017)
Sketch plan

cc: City of Chilliwack (File: ALR00282)

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AGRICULTURAL LAND COMMISSION FILE 55263

REASONS FOR DECISION OF THE SOUTH COAST PANEL

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

Applicant:

**Klassen Farms Ltd.
(the "Applicant")**

Agent:

**Daniela Lind
(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:

Property 1:

Parcel Identifier: 010-989-323

Lot 4, Except: Firstly: Parcel "A" (Reference Plan 5317) and Secondly: Parcel "B" (Reference Plan 12603); Section 25, Township 26, New Westminster District, Plan 3438

Civic Address: 8272 Upper Prairie Road, Chilliwack BC

Area: 0.9 ha

Property 2:

Parcel Identifier: 010-989-293

Parcel "B" (Reference Plan 12603), Lot 4, Section 25, Township 26, New Westminster District, Plan 3438

Civic Address: 8296 Upper Prairie Road, Chilliwack BC

Area: 7.2 ha

(collectively the "Properties")

[2] The Properties are located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").

[3] The Properties are located within Zone 1 as defined in s. 4.2 of the *ALCA*.

[4] Pursuant to s. 21(2) of the *ALCA*, the Applicants are applying to adjust the boundaries between Property 1 (0.9 ha) and Property 2 (7.2 ha) (the "Proposal"). The Proposal along with supporting documentation is collectively the application (the "Application").



RELEVANT STATUTORY PROVISIONS

[5] The Application was made pursuant to s. 21(2) of the *ALCA* or s. 6 of the Regulation:

21(2) An owner of agricultural land may apply to the commission to subdivide agricultural land.

[6] 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

[7] 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.

[8] At its meeting of September 20, 2016, the City of Chilliwack resolved to forward the Application to the ALC with support.

SITE VISIT

[9] 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

[10] 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/04h for the mapping units encompassing the Properties are Class 2 and Class 3, more specifically, 60% (8:3DW 2:2DT), 20% 3W, 15% 3DW, and 5% O3LW.

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.

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), W (excess water), L (degree of decomposition – permeability), and T (topographic limitations).

[11] The Panel reviewed the BCLI ratings and find that the Properties are of prime agricultural capability. Property 1 is currently being used for residential purposes and there is an existing barn and blueberry field on Property 2.

[12] As currently configured, Property 2 does not have road frontage and as such is not accessible except by passing through Property 1. The Panel finds that the

reconfiguration of the Properties would provide direct road access to the agricultural operation taking place on Property 2.

[13] The Proposal does not increase the number of parcels, nor does it change the overall areas of Property 1 (0.9 ha) and Property 2 (7.2 ha). As such, the Panel finds that the Proposal would not have a negative impact on current or future agricultural operations.

DECISION

[14] For the reasons given above, the Panel approves the Proposal to adjust the boundaries between Property 1 (0.9 ha) and Property 2 (7.2 ha).

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

- a. the preparation of a subdivision plan to delineate the area to be subdivided per the drawing submitted with the Application;
- b. the subdivision 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; and
- d. the subdivision plan being completed within three (3) years from the date of release of this decision.

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

[17] 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.

[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 #9/2017 and is released on January 17, 2017.

CERTIFICATION OF DECISION

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

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

END OF DOCUMENT

ALC #55263 (Klassen)
Conditionally Approved Subdivision
ALC Resolution #9/2017

