



Agricultural Land Commission
201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

November 29, 2021

ALC File: 62412

Gerrit (Gary) De Geus
Ebenezer Dairy Farms
DELIVERED ELECTRONICALLY

Dear Gerrit (Gary) De Geus:

Re: Reasons for Decision - ALC Application 62412

Please find attached the Reasons for Decision of the South Coast Panel for the above noted application (Resolution #535/2021). As agent, it is your responsibility to notify the applicants accordingly.

Please note that the submission of a \$150 administrative fee may be required for the administration, processing, preparation, review, execution, filing or registration of documents required as a condition of the attached Decision in accordance with s. 11(2)(b) of the ALR General Regulation.

Under section 33.1 of the *Agricultural Land Commission Act* (“ALCA”), the Chair of the Agricultural Land Commission (the “Commission”) has 60 days to review this decision and determine if it should be reconsidered by the Executive Committee in accordance with the ALCA. You will be notified in writing if the Chair directs the reconsideration of this decision. The Commission therefore advises that you consider this 60 day review period prior to acting upon this decision.

Under section 33 of the ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. A request to reconsider must now meet the following criteria:

- No previous request by an affected person has been made, and
- The request provides either:
 - Evidence that was not available at the time of the original decision that has become available, and that could not have been available at the time of the original decision had the applicant exercised due diligence, or
 - Evidence that all or part of the original decision was based on evidence that was in error or was false.

The time limit for requesting reconsideration of a decision is one year from the date of the decision’s release, as per [ALC Policy P-08: Request for Reconsideration](#).

Please refer to the ALC's [Information Bulletin 08 – Request for Reconsideration](#) for more information.

Please direct further correspondence with respect to this application to
ALC.SouthCoast@gov.bc.ca

Yours truly,

A handwritten signature in cursive script that reads "Hayley R. Burns".

Hayley Burns, Land Use Planner

Enclosures: Reasons for Decision (Resolution #535/2021)
 Schedule A: Decision Map
 Schedule B: ALC Resolution #342/2020

cc: City of Pitt Meadows (File: 6635-20-2021-01). Attention: Alison Dominelli

62412d1



AGRICULTURAL LAND COMMISSION FILE 62412
REASONS FOR DECISION OF THE SOUTH COAST PANEL

Subdivision Application Submitted Under s.21(2) of the *Agricultural Land Commission Act*

Applicants: Ebenezer Dairy Farms
Norval & Irene Peterson

Agent: Gerrit (Gary) De Geus

Properties: **Property 1**
Owner: Ebenezer Dairy Farms
Parcel Identifier: 011-255-641
Legal Description: Lot A, Section 34, Township 9, New Westminster District, Plan 7649
Civic: 14351 McKechnie Road, Pitt Meadows, BC

Property Purchase Date: October 29, 2019
Area: 6.9 ha (entirely within the ALR)

Property 2
Owner: Norval & Irene Peterson
Parcel Identifier: 011-092-513
Legal Description: Lot 11, Section 34, Township 9, New Westminster District, Plan 4360



Civic: 14221 McKechnie Road, Pitt Meadows,
BC

Property Purchase Date: June 11, 2019

Area: 8.1 ha (entirely within the ALR)

Panel:

Ione Smith, South Coast Panel Chair

Susie Gimse

Holger Schwichtenberg

OVERVIEW

- [1] The Properties are located within the Agricultural Land Reserve (“ALR”) as defined in s. 1 of the *Agricultural Land Commission Act* (“ALCA”).
- [2] Pursuant to s. 21(2) of the ALCA, the Applicants are applying to the Agricultural Land Commission (the “Commission” or “ALC”) to adjust the boundaries of the Properties in order to increase the size of Property 1 from 6.9 ha to 10.84 ha and decrease the size of Property 2 from 8.1 ha to 4.04 ha (the “Proposal”). The Applicants’ rationale is that the boundary adjustment would add feasible and adjacent land to the current Property 1 on which Ebenezer Dairy is located, allowing it to expand and grow its agricultural operation.
- [3] The issue the Panel considered is whether the Proposal would impact the agricultural utility of the Properties.
- [4] The Proposal was considered in the context of the purposes and priorities of the Commission set out in s. 6 of the ALCA:
- 6 (1) The following are the purposes of the commission:
- (a) to preserve the agricultural land reserve;
 - (b) to encourage farming of land within the agricultural land reserve 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 land within the agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.

(2) The commission, to fulfill its purposes under subsection (1), must give priority to protecting and enhancing all of the following in exercising its powers and performing its duties under this Act:

(a) the size, integrity and continuity of the land base of the agricultural land reserve;

(b) the use of the agricultural land reserve for farm use.

EVIDENTIARY RECORD

[5] The Proposal, along with related documentation from the Applicants, Agent, local government, and Commission is collectively referred to as the “Application”. All documentation in the Application was disclosed to the Agent in advance of this decision.

BACKGROUND

[6] In 2020, Application ID #60271 was submitted to the Commission to adjust the boundaries between PID 011-255-641 (Property 1) and PID 012-529-269 (a northern adjacent parcel of land) and add ~4 ha to Property 1. The South Coast Panel approved the application by Resolution #342/2020 on the grounds that it would increase the amount of agricultural land used by Ebenezer Dairy Farms to expand their dairy operations. The Applicants submit that the above-mentioned boundary adjustment was abandoned “due to complex crown acquisition requirements”, which would result in unreasonably lengthy delays to executing the boundary adjustment. The boundary adjustment approved by Resolution #342/2020 has therefore not been completed.

[7] The Application was submitted on February 24, 2021 and was forwarded to the Commission by the City of Pitt Meadows on May 20, 2021.

EVIDENCE AND FINDINGS

Issue: Whether the Proposal would impact the agricultural utility of the Properties.

- [8] To assess agricultural capability on the Property, the Panel referred to agricultural capability 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 applicable to the Properties are Class 2 and Class 3, more specifically (3W), (8:2WD-2:2TD), (6:2W-4:2WD), (6:2WD-4:2W).

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 these parcels of land are D (undesirable soil structure), T (topographic limitations) and W (excess water).

- [9] Based on the agricultural capability ratings, the Panel finds that the Properties have mixed prime and secondary agricultural capability.
- [10] Each Property has a single-family dwelling. However, the Application proposes to transfer a ~4 ha area with no homes or structures, that the Application states is "*naturally divided by a shallow and narrow drainage ditch*" at the west half of Property 2 to Property 1. The Application indicates that the ~4 ha area is easier accessed for farming by the owners of Property 1 and could be used for Ebenezer

Dairy Farms' agricultural operations. The proposed boundary adjustment would not create any new parcels, and therefore would not impact the overall use of the properties for residential purposes nor create any new opportunities for additional dwellings.

[11] The Panel considered that the ~4 ha area of Property 2 is more easily accessible if it is added to Property 1 and that a larger parcel would improve its agricultural potential by increasing the viability by providing a sufficient grazing area and more agricultural land to support the growing dairy production. The Panel also finds that decreasing the area of Property 2 by ~4 ha will not negatively impact the agricultural utility of that Property since the ~4 ha area to be transferred is not easily accessible. While the Panel does not generally support the reduction of agricultural parcels, in this case, the Panel finds that the benefit of increasing the size of an established dairy farm outweighs a reduction of farmland that is currently underutilized. The Panel also finds that a ~4 ha parcel with the above referenced soil capabilities still has significant agricultural potential.

[12] The Panel also considered the Property's application history and that Resolution #342/2020 approved a similar boundary adjustment for the purpose of expanding the dairy operation. The Applicants did not pursue Resolution #342/2020 due to complex crown acquisition requirements and subsequently submitted the current Application instead. The Panel finds that it would appropriate to rescind Resolution #342/2020 as the current Proposal achieves the same purpose to facilitate expansion.

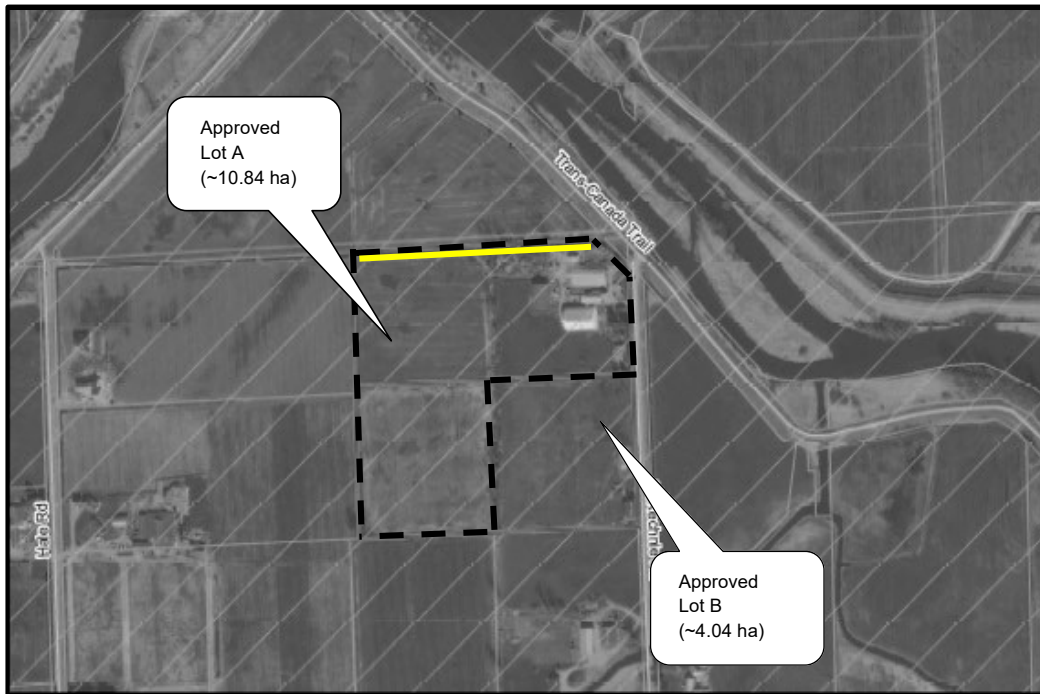
DECISION

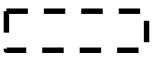


- [13] For the reasons given above, the Panel approves the Proposal to adjust the boundaries of the Properties to increase the size of Property 1 from 6.9 ha to 10.84 ha and decrease the size of Property 2 from 8.1 ha to 4.04 ha; and allows the 0.168 ha road dedication required by the City of Pitt Meadows subject to the following conditions:
- (a) Agreement from the Applicants in writing to rescind ALC Resolution #342/2020;
 - (b) the submission of a surveyed subdivision plan to the Commission, within five years of the date of the release of this decision, that is in compliance with Schedule A of this decision.
- [14] 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.
- [15] These are the unanimous reasons of the Panel.
- [16] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(3) of the ALCA.
- [17] Resolution #535/2021
Released on November 29, 2021

A handwritten signature in black ink, appearing to read 'Ione Smith', with a stylized flourish at the end.

Ione Smith, Panel Chair

On behalf of the South Coast Panel



| | |
|---|--|
|  | Conditionally Approved Subdivision (~10.84 ha) |
|  | The Property |
|  | Road Dedication (~0.168 ha) |