



Agricultural Land Commission
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May 16, 2019

ALC File: 57754

Lee Mackenzie
DELIVERED ELECTRONICALLY

Dear Lee Mackenzie:

Re: Application 57754 to conduct a non-farm use in the Agricultural Land Reserve

Please find attached the Reasons for Decision of the South Coast Panel for the above noted application (Resolution #163/2019). As agent, it is your responsibility to notify the applicant accordingly.

Review of Decisions by the Chair

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.

Request for Reconsideration of a Decision

Under section 33(1) of the ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. The request must be received within one (1) year from the date of this decision’s release. For more information, refer to *ALC Policy P-08: Request for Reconsideration* available on the Commission website.

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

Yours truly,

A handwritten signature in black ink that reads 'Nicole Mak'.

Nicole Mak, Land Use Planner

Enclosure: Reasons for Decision (Resolution #163/2019)

cc: City of Pitt Meadows (File: 6635-20-2016-03) Attention: Allison Dominelli
ALC Compliance & Enforcement



AGRICULTURAL LAND COMMISSION FILE 57754
REASONS FOR DECISION OF THE SOUTH COAST PANEL

Non-Farm Use Application Submitted Under s. 20(2) of the *Agricultural Land Commission Act*

Applicant: Khalsa Darbar Society

Agent: Lee Mackenzie, Greenline Management Ltd.

Property: Parcel Identifier: 010-904-361
Legal Description: Lot 8 Except: Part Subdivided
by Plan 48713; Sections 23 and 26 Block 6 North
Range 1 East New Westminster District Plan 3276
Civic: 18701 Lougheed Highway, Pitt Meadows
Area: 8.4 ha

Panel: Ione Smith, South Coast Panel Chair
Susan Gimse
Satwinder Bains

OVERVIEW

- [1] The Property is located within the Agricultural Land Reserve (ALR) as defined in s. 1 of the *Agricultural Land Commission Act* (ALCA).
- [2] Pursuant to s. 20(2) of the ALCA, the Applicant is applying to the Agricultural Land Commission (the “Commission”) to continue using 0.2 ha for an existing building (constructed in 2010 as a processing plant) for religious observations and gatherings, and to build a community garden for the citizens of the City of Pitt Meadows (the “Proposal”).
- [3] The first issue the Panel considered is whether the continued use of the farm building for events would have an impact on the agricultural operations on the Property.
- [4] The second issue the Panel considered is whether the creation of a community garden on the Property would have an impact on the agricultural utility of the Property.
- [5] The Proposal was considered in the context of the purposes of the Commission set out in s. 6 of the ALCA. These purposes are:
- (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

- [6] The Proposal along with related documentation from the Applicant, Agent, third parties, and Commission is collectively referred to as the “Application”. All documentation in the Application was disclosed to the Agent in advance of this decision.
- [7] The Panel conducted a walk-around and meeting site visit on January 14, 2019 in accordance with the *ALC Policy Regarding Site Visits in Applications*, (the “Site Visit”). A

site visit report was prepared in accordance with the *Policy Regarding Site Visits in Applications*. The site visit report was certified as accurately reflecting the observations and discussions of the Site Visit by the Agent on February 4, 2019 (the “Site Visit Report”).

BACKGROUND

- [8] Khalsa Darbar Society has owned the Property since 1991 and made applications in 1991 and 1995 to construct a Sikh temple on the Property. Both applications were refused by City of Pitt Meadows Council, as such; the Commission did not review the applications.
- [9] In 2010, a building permit was issued by the City of Pitt Meadows for an agricultural building on the Property. The building permit states that the building contained a caretaker suite and was “to be used for agricultural purposes only”.
- [10] In 2011, a Stop Work Order was issued by Commission Compliance and Enforcement staff to cease all fill and construction activities on the Property. In response to the Stop Work Order, the Applicant stated that the purpose of the fill was for the construction of a farm building and that the Applicant has “no intention to deviate from this permitted use”.
- [11] In 2013, a building inspection report was issued by the City of Pitt Meadows stating that the farm building was ready for occupancy. Subsequently, an occupancy permit was granted for a farm building that “can only be used in compliance with the Agricultural Land Reserve regulations.”
- [12] The Application submits that the farm building on the Property was originally built as a processing facility for blueberries. The Application further submits that the blueberry fields on the Property are currently leased to a farmer, who does not require the processing facility on the Property.
- [13] Since the farm building was no longer being used as a processing facility, the Applicant began to use the farm building to hold religious observation events. The Agent stated that



the Applicant was advised that an ALC application would be required should the use of the building change from the original farm use.

EVIDENCE AND FINDINGS

[14] This Application was submitted on June 4, 2018 and was forwarded to the Commission by City of Pitt Meadows on June 26, 2018. Subsequently, on February 22, 2019, the ALCA was amended and changes were made to its regulations. The Applicant was given an opportunity to make written submissions relating to the amendment of the ALCA and changes to its regulations. While the Application was submitted under the former s. 20(3) of the ALCA, the Panel has considered it under s. 20(2) of the ALCA as amended. The considerations to be weighed by the Panel on this application are unchanged.

Issue 1: Whether the continued use of the farm building for events would have an impact on the agricultural operations on the Property.

[15] Currently, the Application submits the farm building is used a few times per month for religious observations where, when the building is at capacity, approximately 30 to 40 vehicles are on the Property. The Applicant further clarified during the Site Visit that up to 30 religious observation events per year would be held in the farm building. The Panel considered that the farm building is a permanent structure on the Property. The Panel finds that the use of the farm building meant for agricultural use for the purposes of gathering for an event conflicts with regular agricultural operations and reduces the utility of the farm building for agriculture.

[16] It was observed during the Site Visit and in the Site Visit Report that the farm building had carpeted rooms used for religious observations that include an area for sacred scriptures. The Panel is concerned that the continued use of the farm building for non-agricultural purposes will further reduce the opportunity for the farm building to be used for agriculture in the future and impact the long-term agricultural operation of the Property.

Issue 2: Whether the creation of a community garden on the Property would have an impact on the agricultural utility of the Property.

[17] 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 rating applicable to the Property is Class 2, more specifically approximately 30% (6:2DWT, 4:2W), approximately 35% (2DWT) and approximately 35% (6:2DT, 4:2T). The area proposed for non-farm use is shown as improbable to 2DWT.

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 D (undesirable soil structure), T (topographic limitations), and W (excess water).

[18] Based on the agricultural capability ratings, the Panel finds that the Property has prime agricultural capability.

[19] The Application states that a community garden with garden plots of 10 feet by 10 feet would be available for those in the community. The Application further submits that the farm building can be used by the community garden members to process produce from the community garden. The Panel considered that while the community garden could be used by community garden members to grow produce, the Panel finds that the community garden may limit any future commercial agricultural operations on the Property.

DECISION

[20] For the reasons given above, the Panel refuses the Proposal to use 0.2 ha for an existing building, used for religious observations and gatherings, and a community garden.

[21] These are the unanimous reasons of the Panel.

[22] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the ALCA.

[23] Resolution #163/2019
Released on May 16, 2019

A handwritten signature in black ink that reads 'Ione Smith'.

Ione Smith, Panel Chair

On behalf of the South Coast Panel