



Agricultural Land Commission
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May 8, 2018

ALC File: 56681

Karin Hilliard
Ministry of Transportation and Infrastructure
DELIVERED ELECTRONICALLY

Attention Karin Hilliard:

Re: Application 56681 for a Transportation Corridor in the Agricultural Land Reserve

Please find attached the Reasons for Decision of the South Coast Panel for the above noted application (Resolution #149/2018). 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 with respect to this application to Kelsey-Rae Russell at (KelseyRae.Russell@gov.bc.ca).

Yours truly,

A handwritten signature in black ink that reads 'K Russell'.

Kelsey-Rae Russell, Land Use Planner

Enclosures: Reasons for Decision (Resolution #149/2018)
Schedule A: Decision Map
Schedule B: Properties under ALC Application ID #56681

cc: City of Abbotsford



AGRICULTURAL LAND COMMISSION FILE 56681
REASONS FOR DECISION OF THE SOUTH COAST PANEL

Transportation Application Submitted Under s. 6 of the *ALR Use, Subdivision and Procedure Regulation (BC Regulation 171/2002)*

Applicant: Ministry of Transportation and Infrastructure

Agent: Karin Hilliard, Contract Land Agent, Ministry of
Transportation and Infrastructure

Properties: Refer to Schedule B: Properties under ALC
Application ID #56681

Panel: William Zylmans, South Coast Panel Chair
Ione Smith
Satwinder Bains



OVERVIEW

- [1] The Properties are located within the Agricultural Land Reserve (ALR) as defined in s. 1 of the *Agricultural Land Commission Act* (the ALCA). The Properties are located within Zone 1 as defined in s. 4.2 of the ALCA.
- [2] Pursuant to s. 6 of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the “Regulation”), the Applicant is applying to the Agricultural Land Commission (the “Commission”) to use 2.9 ha to widen Mt. Lehman Road from two to four lanes and to construct a new intersection at Simpson Road and Mt. Lehman Road in order to address capacity and safety issues (the “Proposal”).
- [3] The issue the Panel considered is whether the Proposal will impact the agricultural suitability of the Properties.
- [4] 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

- [5] The Proposal along with related documentation from the Applicant, Agent, 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 2017, the City of Abbotsford applied to realign Ross Road and construct an east-west connector road from 16th Avenue to Marshall Road (the “Marshall Road Connector”). The

Panel found that the Proposal would improve safety and connectivity for farm operators and would minimally impact agricultural land. The application was approved by Resolution #288/2017 (under Application ID 54972). The current Proposal intersects the approved Marshall Road Connector.

EVIDENCE AND FINDINGS

[7] To assess agricultural capability on the Properties, the Panel referred in part 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 1, 2, 3 and 5.

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.

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.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

[8] In addition, the Panel received a report titled *Agricultural Effects Assessment*, prepared by Associated Environmental Consultants, dated August 2017 (the "AE Report"). The AE Report confirms that the majority of the Proposal area is of prime agricultural capability.

[9] Based on the agricultural capability ratings and the AE Report, the Panel finds that the majority of the Properties have prime agricultural capability.

[10] The Application submits that the proposed widening from two to four lanes and the construction of the intersection at Simpson and Mt. Lehman Road will address "*current capacity and safety issues, as well as anticipated future growth as it relates to*

connectivity between Highway 1, Fraser Highway, and Abbotsford International Airport".

The Panel recognizes that the Proposal is intended to improve access between the Abbotsford International Airport and major transportation corridors, providing local and regional transportation benefits, including access to markets for the existing agricultural operators on the Properties.

[11] The Panel further recognizes that the Proposal utilizes a small portion of the Properties fronting the existing roadway, of which, 0.6 ha of cultivated areas are impacted. The remaining Properties will be impacted within their existing residential or commercial footprints.

[12] The Application also submits that agricultural improvements would be implemented as part of the Proposal, including "*safer driveway access, visual buffers, and improved drainage*". The Panel finds that the safety of some of the Properties accesses could be improved and that the additional lane in each direction would provide adequate width for farm vehicles. In order to ensure that the safety of agricultural vehicles is considered, the Panel requires roadway widths be at least 16 feet wide and that signage be installed notifying road users that slower agricultural traffic use the corridor.

[13] In light of the prime agricultural capability of the majority of the Proposal area, the Panel requires that the topsoil be salvaged and potentially be redistributed for agricultural use on the respective property or elsewhere.

DECISION

[14] For the reasons given above, the Panel approves the Proposal to use 2.9 ha to widen Mt. Lehman Road from two to four lanes and to construct a new intersection at Simpson Road and Mt. Lehman Road in order to address capacity and safety issues subject to the following conditions:

PRE-CONSTRUCTION

- a. A construction plan, including timelines, must be submitted to the Commission within 6 months of the date of this decision (November 8th, 2018).

- b. the preparation and submission of a survey plan(s) to delineate the area to be used for road right-of-way as per Schedule A attached to this decision;
- c. The construction and location of the road right-of-way shall be in substantial compliance with the plan submitted with the Application and Schedule A attached to this decision;
- d. the survey plan(s) being completed within three (3) years from the date of release of this decision (May 8th, 2021);

ON-GOING

- e. road widths must be a minimum of 16 feet wide in order to accommodate the movement of large agricultural equipment;
- f. appropriate signage must be displayed alerting road users of the presence of agricultural vehicles;
- g. in consultation with a professional Agrologist, topsoil within the project footprint must be salvaged and re-located either within the affected Properties or to other ALR lands in accordance with the *ALCA* and Regulation;
- h. existing road access shall either be maintained, or new access will be provided to Properties, if required;
- i. drainage improvements must be implemented as per Section 4.4 of the *Mount Lehman Road Four Laning: Agricultural Effects Assessment* undertaken by Associated Environmental and dated August 2017. Progress Reports for drainage improvements must be provided to the Commission every 6 months. The Progress Reports must include information regarding creek realignment, culvert installation, drainage impacts as they relate to changes to the drainage system, and soil degradation.
- j. any drainage or irrigation infrastructure which is removed or damaged must be replaced, to the Commission's satisfaction, by the Applicant at the time of construction;
- k. any fencing which is removed or damaged must be replaced, to the Commission's satisfaction, by the Applicant at the time of construction; and
- l. Appropriate invasive species control must be practiced on all areas disturbed by the Proposal.

[15] When the Commission confirms that a, b, c and d have been met, it will authorize the Registrar of Land Titles to accept registration of the subdivision plan.

[16] 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.

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

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

[19] Resolution #149/2018
Released on May 8, 2018

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

William Zylmans, Panel Chair

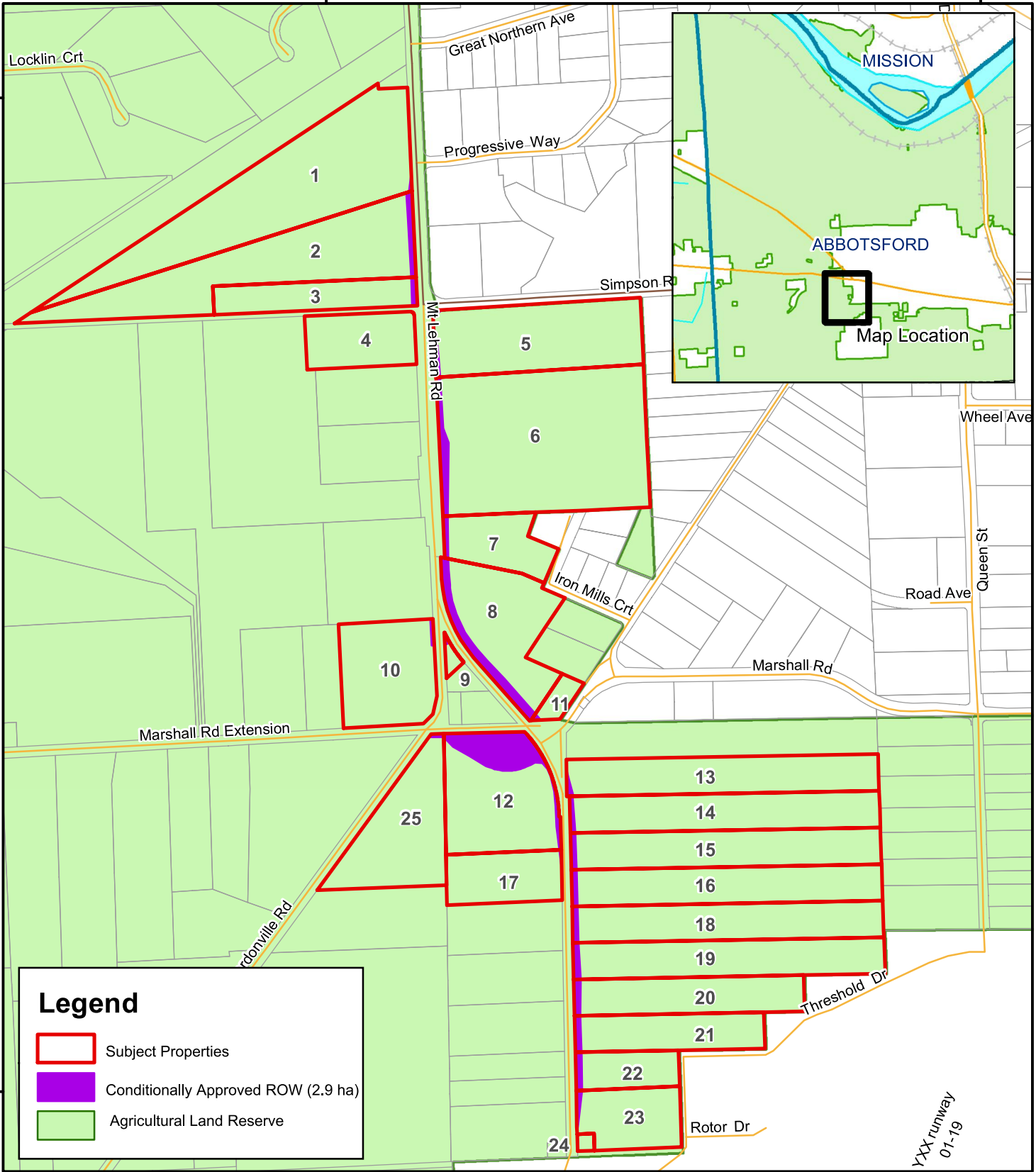
On behalf of the South Coast Panel

122°23'0"W

122°22'0"W

49°30'N

49°20'N



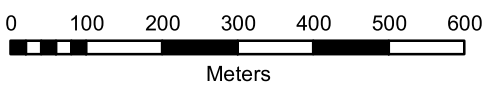
Legend

- Subject Properties
- Conditionally Approved ROW (2.9 ha)
- Agricultural Land Reserve



Schedule A: Sketch Map

Map Scale: 1:10,000



Schedule A: Agricultural Land Commission
 Decision Sketch Plan
 ALC File 56681 (MOTI)
 Conditionally Approved Transportation Corridor
 ALC Resolution #149/2018

Schedule B: Properties under ALC Application ID #56681

Name	Parcel Identifier:	Legal Description:	Area (ha):
Property 1	013-342-037	PARCEL "A" (REFERENCE PLAN 3632) SOUTH EAST QUARTER SECTION 23 TOWNSHIP 13 NEW WESTMINSTER DISTRICT	8.4
Property 2	013-341-995	PARCEL "C" (REFERENCE PLAN 5543) SOUTH EAST QUARTER SECTION 23 TOWNSHIP 13 EXCEPT: PARCEL "ONE" (REFERENCE PLAN 15400) NEW WESTMINSTER DISTRICT	6.4
Property 3	013-341-961	PARCEL "ONE" (REFERENCE PLAN 15400) OF PARCEL "C" (REFERENCE PLAN 5543) SOUTH EAST QUARTER SECTION 23 TOWNSHIP 13 NEW WESTMINSTER DISTRICT	2.0
Property 4	002-595-702	LOT 17 SECTION 14 TOWNSHIP 13 NEW WESTMINSTER DISTRICT PLAN 60743	2.0
Property 5	006-152-295	LOT 12 SECTION 13 TOWNSHIP 13 NEW WESTMINSTER DISTRICT PLAN 47261	4.8
Property 6	002-382-563	PARCEL "E" (EXPLANATORY PLAN 14464) OF THE NORTH WEST QUARTER SECTION 13 TOWNSHIP 13 NEW WESTMINSTER DISTRICT EXCEPT PLANS 47261, EPP55937 AND EPP67147	10.2
Property 7	013-333-046	PARCEL "D" (EXPLANATORY PLAN 14462) NORTH WEST	1.9

Schedule B: Properties under ALC Application ID #56681

		QUARTER SECTION 13 TOWNSHIP 13 NEW WESTMINSTER DISTRICT EXCEPT THE EAST 60 FEET (EXPLANATORY PLAN 14463) AND PLAN EPP55937	
Property 8	002-488-655	LOT A SECTION 13 TOWNSHIP 13 NEW WESTMINSTER DISTRICT PLAN 70317	3.9
Property 9	007-062-401	LOT "H" SECTION 13 TOWNSHIP 13 NEW WESTMINSTER DISTRICT PLAN 20716	0.1
Property 10	004-009-827	LOT 13 SECTION 14 TOWNSHIP 13 NEW WESTMINSTER DISTRICT PLAN 50190	3.4
Property 11	002-488-663	LOT B SECTION 13 TOWNSHIP 13 NEW WESTMINSTER DISTRICT PLAN 70317	0.4
Property 12	009-312-889	LOT 1 SECTION 13 TOWNSHIP 13 NEW WESTMINSTER DISTRICT PLAN 10350	4.5
Property 13	003-495-477	LOT 2 EXCEPT: PART ON PLAN 7266, SECTION 13 TOWNSHIP 13 NEW WESTMINSTER DISTRICT PLAN 1747	4.0
Property 14	012-345-636	LOT 3 EXCEPT: PARCEL "B" (STATUTORY RIGHT OF WAY PLAN 7577); SECTION 13 TOWNSHIP 13 NEW WESTMINSTER DISTRICT PLAN 1747	4.0
Property 15	012-345-792	LOT 4 EXCEPT: PARCEL "C" (STATUTORY RIGHT OF WAY	4.0

Schedule B: Properties under ALC Application ID #56681

		PLAN 7577); SECTION 13 TOWNSHIP 13 NEW WESTMINSTER DISTRICT PLAN 1747	
Property 16	001-943-596	LOT 5 EXCEPT: PART SHOWN ON PLAN 7577; SECTION 13 TOWNSHIP 13 NEW WESTMINSTER DISTRICT PLAN 1747	4.0
Property 17	009-312-901	LOT 2 SECTION 13 TOWNSHIP 13 NEW WESTMINSTER DISTRICT PLAN 10350	2.0
Property 18	008-580-201	LOT 6 EXCEPT: PART ON PLAN 7577, SECTION 13 TOWNSHIP 13 NEW WESTMINSTER DISTRICT PLAN 1747	4.0
Property 19	001-597-434	LOT 7 EXCEPT: PART ON PLAN 7577; SECTION 13 TOWNSHIP 13 NEW WESTMINSTER DISTRICT PLAN 1747	4.0
Property 20	001-181-572	LOT 8 EXCEPT: FIRSTLY: PART ON PLAN 7577 AND SECONDLY: THE EAST 500 FEET; SECTION 13 TOWNSHIP 13 NEW WESTMINSTER DISTRICT PLAN 1747	2.9
Property 21	012-345-911	LOT 9 EXCEPT: FIRSTLY: THE EAST 750 FEET SECONDLY: PART ON STATUTORY RIGHT OF WAY PLAN 7577; SECTION 13 TOWNSHIP 13 NEW WESTMINSTER DISTRICT PLAN	2.4

Schedule B: Properties under ALC Application ID #56681

		1747	
Property 22	007-919-042	LOT 13 EXCEPT: PARCEL "A" (REFERENCE PLAN 74964) SECTION 13 TOWNSHIP 13 NEW WESTMINSTER DISTRICT PLAN 28053	1.3
Property 23	007-919-069	LOT 14 EXCEPT: PARCEL "B" (REFERENCE PLAN 74964) SECTION 13 TOWNSHIP 13 NEW WESTMINSTER DISTRICT PLAN 28053	2.1
Property 24	002-364-972	PARCEL "A" (REFERENCE PLAN 9623) LOT 10 EXCEPT: PARCEL "C" (REFERENCE PLAN 74964) SECTION 13 TOWNSHIP 13 NEW WESTMINSTER DISTRICT PLAN 1747	0.1
Property 25	002-382-580	PARCEL "A" (REFERENCE PLAN 7643) OF THE EAST HALF OF THE SOUTH EAST QUARTER SECTION 14 TOWNSHIP 13 NEW WESTMINSTER DISTRICT	3.7