



Agricultural Land Commission
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April 26, 2007

Reply to the attention of Jennifer Carson
ALC File: Z-37162

Thomas Heaton and Janet Hodgkinson
926 North Road
Gibsons, BC
V0N 1V7

Dear Mr. Heaton and Ms. Hodgkinson:

Re: Application for Non-Farm Use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 144/2007 outlining the Commission's decision as it relates to the above noted application

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Sunshine Coast Regional District (F-44)

Enclosure: Minutes



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on April 12, 2007 in Chilliwack, B.C.

PRESENT: Sylvia Pranger	Chair, South Coast Panel
Michael Bose	Commissioner
John Tomlinson	Commissioner
Tony Pellett	Staff
Jennifer Carson	Staff

For Consideration

Application: # Z- 37162
Applicant: Thomas Heaton
Proposal: Non-farm use, for a second dwelling on the subject property for a family member.
Legal: PID: 003-535-169
The West 1/2 of, Lot 3 East part of the East 1/2 of District Lot 691 Plan 3980
Location: Located at 926 North Road, West Howe Sound

Site Inspection

A site inspection was conducted on March 30, 2007. Those in attendance were:

- Sylvia Pranger Chair, South Coast Panel
- Jennifer Carson Staff
- Janet Hodgkinson Applicant
- Tom Heaton Applicant

The following issues were discussed:

1. Purpose of the second dwelling: The applicants would like to assist a family member by providing a building site.
2. Location of the dwelling: Close to the northern property line on an area of higher ground. The surrounding area was wet and marshy in some areas. The applicants' northern neighbors placed some fill close to the property line which has exacerbated the soil moisture on the eastern portion of the applicants' property. The site for the new dwelling is currently overgrown with brush and young trees.
3. Mobile vs. modular vs. permanent dwelling: The applicants mentioned that they are not interested in placing a mobile home on the property due to the aesthetics and the sustainability issues of a mobile home. Also mentioned was more research done into modular homes, notably Insulspan (www.insulspan.com) which offers panels that are highly insulated and can be used for flooring, walls and ceilings. The applicants were suggesting that this product could be disassembled and thus be classified as a temporary dwelling.

4. The soils in the area are classified as Class 2 and Class 3 lands: There were drainage issues evident from the onsite visit to the subject property. Whether they could be easily mitigated or not was difficult to determine.

Ms. Hodgkinson and Mr. Heaton confirmed that the Staff Report dated March 27, 2007 was received and no errors were identified.

Commissioner Eligible to Vote

Commissioner Bose and Commission Tomlinson were not present at the site inspection. It was confirmed that a summary of the site inspection was provided thus establishing the Commissioner's eligibility to vote on the application.

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. 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.

Discussion

Assessment of Agricultural Capability

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The improved classifications with regards to the agricultural capability of the soil of the subject property are

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Subclasses

A soil moisture deficiency P stoniness T topography

Assessment of Agricultural Suitability

The Commission assessed whether the external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external factors that render the land unsuitable for agricultural use.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. Through its discussion of the visit with the applicants on their property and review of the staff report, the Commissioners were concerned about allowing the construction of a second residence on the property. The Commission believes the proposal would impact existing or potential agricultural use of the property.

Other Considerations

The Commission understands and appreciates the suggestion from the applicants that mobile and manufactured homes are less environmentally friendly than the type of home they would be interested in building. However, in the interest of making the land more easily available to agriculture in the future, a mobile or manufactured home would be simpler to move off the property due to its temporary nature. Under Policy # 8: *Permitted Uses in the ALR: Residential Use*, the applicant has the following options:

REFERENCE:

Agricultural Land Reserve Use, Subdivision and Procedure Regulation (BC Reg. 171/2002), the "Regulation", Section 3 (1) (b)

Section 3 (1) "the following land uses are permitted in an agricultural land reserve unless otherwise prohibited by a local government bylaw:

(b) for each parcel,

(i) one secondary suite within a single family dwelling, and

(ii) one manufactured home, up to 9 m in width, for use by a member of the owner's immediate family;

Section 1 (1) "immediate family" means, with respect to an owner, the owner's

(a) parents, grandparents and great grandparents,

(b) spouse, parents of spouse and stepparents of spouse,

(c) brothers and sisters, and

(d) children or stepchildren, grandchildren and great grandchildren;

INTERPRETATION:

The Regulation permits a secondary suite for residential purposes, wholly contained within a single family dwelling, on a parcel in the ALR. The secondary suite use is not limited as to who occupies the suite. The Regulation also provides for one manufactured home, in addition to a dwelling, on a parcel in the ALR, but only for use by the property owner's immediate family. The maximum width of manufactured or mobile home allowed is 9 metres, which provides for what is commonly known as a 'double-wide'. The Commission may make an exception to the width requirement in the Peace and Northern Rockies Regional Districts to provide for a 'double wide' up to the industry standard width (10 metres).

The Regulation defines "immediate family" as noted above. If the manufactured home is no longer occupied by immediate family of the property owner, it is no longer a permitted use in the ALR and must be removed from the parcel or, if it remains, not used for residential purposes.

It should be noted that Section 18 (a) (ii) of the *Agricultural Land Commission Act* provides for one residence per parcel of land, and more than one residence where "the additional residences are necessary for farm use." See Commission Policy "Additional Residences for Farm Use".

Related uses that are not permitted in the Act or Regulation for residential use require application to and approval from the Commission.

Where a zoning bylaw is in place, this use must be specifically permitted by the bylaw.

TERMS:

Home occupation — means an area set aside for residential use, within the footprint of a single family dwelling, and secondary or ancillary to the residential use of that single family dwelling.

Manufactured home — means a transportable prefabricated structure, whether ordinarily equipped with wheels or not, that is designed, constructed or manufactured to be moved from one place to another and to be used for residential use by a single family. The structure normally conforms to the CSA Z240 series standards of the Canadian Standards Association for manufactured homes.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will impact agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Pranger

SECONDED BY: Commissioner Tomlinson

THAT the application be refused.

CARRIED

Resolution # 144/2007



Staff Report
Application # Z – 37162
Applicant: Thomas Heaton

DATE RECEIVED: January 10, 2007

DATE PREPARED: March 27, 2007

TO: Chair and Commissioners – South Coast Panel

FROM: Jennifer Carson, Land Use Planner

PROPOSAL: Non-farm use, for a second dwelling on the subject property for a family member. This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

Local Government:

Sunshine Coast Regional District

Legal Description of Property:

PID: 003-535-169

The West 1/2 of Lot 3, East part of the East 1/2 of District Lot 691, Plan 3980

Purchase Date:

May, 1989

Location of Property:

Located at 926 North Road, close to Gibsons

Size of Property:

1.3 ha (The entire property is in the ALR).

Present use of the Property:

Residence, apple trees (3), one old greenhouse. No agricultural activity in the entire area.

Surrounding Land Uses:

WEST: Two Homes, Stable
SOUTH: Two Homes
EAST: One Home
NORTH: Two Homes

Agricultural Capability:

Data Source: Agricultural Capability Map # 92G.043
The majority of the property is identified as having Prime ratings.

Official Community Plan and Designation:

West Howe Sound OCP Bylaw No. 304
Designation: Agricultural A

Zoning Bylaw and Designation:

Zoning: Bylaw No. 310
Designation RU 3
Minimum Lot Size: 4 ha

RELEVANT APPLICATIONS:

Application #34320-0

Applicant: Hiltz, Mark
Decision Date: July 30, 2002
Proposal: To permit long term residential use of an older dwelling when new dwelling is constructed.
Decision: Refused as proposed.

Application #33651-0

Applicant: Beale, Patricia
Decision Date: March 09, 2001
Proposal: To legitimize an unauthorized second dwelling on the property.
Decision: Allowed.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Sunshine Coast Regional District Board:

The Regional Board forwarded the application without a recommendation of support or opposition.

West Howe Sound Advisory Planning Committee:

Have no objections to the Agricultural Land Reserve Application No.11-F for non-farm use or the construction of a modular home.



STAFF COMMENTS:

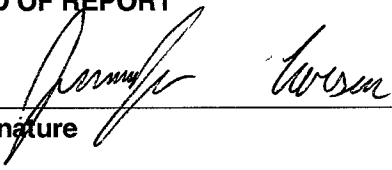
It is recommended that the Commission consider the following:

- The classification of the soils on the property is improvable to Class 2 and Class 3.
- An earlier application on an adjacent property to the east was refused when it made an application to retain an older building as a second dwelling on the property.
- The proposed location of the second dwelling would require a road to it which increases the total footprint on the ALR.

ATTACHMENTS:

1. ALC Context Map
2. Agricultural Capability Map
3. Airphoto Map
4. SCRD Staff Report
5. Sketch of Proposal

END OF REPORT



Signature

March 28, 2007

Date