



July 31, 2007

Agricultural Land Commission
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Reply to the attention of Jennifer Carson
ALC File: #O - 37399

Balbir Singh Sangha
2508 - 232 Street
Langley, BC V2Z 3B5

Dear Sir/Madam:

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

Please find attached the Minutes of Resolution # 339/2007 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: The Corporation of the Township of Langley (#AC000040)

Enclosure: Minutes

JC/lv
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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on July 10, 2007 in Langley, B.C.

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

For Consideration

Application: # O - 37399
Applicant: Balbir Singh Sangha
Proposal: Non-farm use to construct a new second dwelling on the 6.0 ha subject property for the applicants which will enable them to rent the existing home to farm personnel.
Legal: PID: 003-956-296
Lot 37, Section 21, Township 10, New Westminster District, Plan 50036
Location: 2508 - 232 Street, Langley

Site Inspection

A site inspection was conducted on July 9, 2007. Those in attendance were:

- Sylvia Pranger Chair, South Coast Panel
- Michael Bose Commissioner
- John Tomlinson Commissioner
- Terra Kaethler Staff
- Tony Pellett Staff
- Mr. Gill Applicant

Mr. Gill met the Commissioners on the subject property to discuss the applications. The Commissioners were able to see the existing homesite area with the house, mobile and outbuildings. Mr. Gill explained to the Commission that he required more workers year round to work on his blueberry farm which in total amounts to 26 ha. The other properties making up the farm are not adjacent (one of which is 10 ha at 176th Street and 48th Avenue) to the subject property which is 6 ha. Mr. Gill explained the benefit of being able to house the farm workers on the property as it decreased the amount of travel required to be picking them up from elsewhere. Currently, Mr. Gill indicated that he rents the basement and the trailer on the property out to farm workers but cannot currently accommodate them all. As a result, Mr. Gill explained that he would like to be able to build a second house on the property for his family and then be able to house the workers in the existing house. Mr. Gill showed the Commissioners where he was planning to build the other house. Mr. Gill mentioned that while he now has 10 farm workers on the property, it is likely that he will soon have to expand to 15 workers. The Commission also noted that the Atco trailer mentioned in the Staff Report was not present on the property.

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 ratings for 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
- D undesirable soil structure
- T topography
- W excess water

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. The Commissioners discussed that they believed that placing the second house where it was proposed would unnecessarily increase the impact of agriculture.

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.

IT WAS

MOVED BY: Commissioner Bose

SECONDED BY: Commissioner Pranger

THAT the application be refused as submitted.

BUT THAT the Commission approved the construction of a second dwelling subject to the following conditions:

- Removal of the existing trailer and construction of the new house on the existing farmyard footprint or expansion of the existing house.
- This approval is granted for the sole benefit of the applicant and is non-transferable.

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.

CARRIED

Resolution # 339/2007



Staff Report
Application # O – 37399
Applicants:

Balbir Singh Sangha, Kanwaljit Kaur Gill & Surjit Kaur Gill

DATE RECEIVED: April 30, 2007

DATE PREPARED: June 13, 2007

TO: Chair and Commissioners – South Coast Panel

FROM: Jennifer Carson, Land Use Planner

PROPOSAL: Non-farm use to construct a new second dwelling on the 6.0 ha subject property for the applicants which will enable them to rent the existing home to farm personnel. This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The Commission does have legislation and a policy in place that permits the local government to allow the construction of additional residences if the local government is convinced that they are required for help with agricultural operations on the property. This policy has been inserted for further clarification.

Policy #9: ADDITIONAL RESIDENCES FOR FARM USE

This policy provides advice to assist in the interpretation of the *Agricultural Land Commission Act, 2002* and Regulation. In case of ambiguity or inconsistency, the Act and Regulation will govern.

REFERENCE:

Agricultural Land Commission Act, 2002, Section 18

18 Unless permitted by this Act, the regulations or the terms imposed in an order of the commission,

(a) a local government, or an authority, a board or another agency established by it or a person or an agency that enters into an agreement under the *Local Services Act* may not

(ii) approve more than one residence on a parcel of land unless the additional residences are necessary for farm use

INTERPRETATION:

The Act and *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* do not set a limit on the number of additional residences for farm help per parcel, but all residences must be necessary for farm use. However, see Section 3 (1) (b) of the Regulation which permits a 'manufactured home' for family members of the owner. This Section also permits a secondary suite within a residence. See Commission Policy "Permitted Uses in the ALR: Residential Uses".

Local government must be convinced that there is a legitimate need for an additional residence for farm help. One criteria is that the parcel should have 'farm' classification under the *Assessment Act*. In coming to a determination, a local government should consider the size and type of farm operation and other relevant factors. To help determine the need and evaluate the

size and type of farm operation, a permitting officer may wish to obtain advice and direction from staff of:

- a) the Ministry of Agriculture, Food and Fisheries
- b) the Agricultural Land Commission.

Local government bylaws should not necessarily be the basis for making a determination about the necessity for farm help. Some bylaws may automatically permit a second residence on a specified size of parcel in the ALR. This is not an appropriate determination under the Act and should not be used as the basis for issuing a building permit for an additional residence for farm help. Some local governments have adopted detailed guidelines as a basis for determining legitimacy of a request for additional residences for farm help, in which a threshold for different types of agricultural operations is specified. In these instances, it may be appropriate to consider these as factors in interpreting Section 18 of the Act.

If there is any doubt with respect to need, an application under Section 20 (3) of the Act for permission for a non-farm use is required.

Local Government:

The Corporation of the Township of Langley

Legal Description of Property:

PID: 003-956-296
Lot 37, Section 21, Township 10, New Westminster District, Plan 50036

Purchase Date:

June 2005

Location of Property:

2508 - 232 Street, Langley

Size of Property:

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

Present use of the Property:

Blueberry farm, residence, welding shop, two sheds for farm equipment and storage, well and one Acco style trailer used for storage of farm chemicals.

Surrounding Land Uses:

WEST: N/A Roadway
SOUTH: Small individual lots separated from applicants parcel by large evergreen trees
EAST: Blueberry farming (leased to applicants)
NORTH: Blueberry farming (leased to applicants)

Agricultural Capability:

Data Source: Agricultural Capability Map # 92G/2/a
The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

OCP: None

Zoning Bylaw and Designation:

Zoning: Not available
Designation: RU-3
Minimum Lot Size: 8.0 ha

PREVIOUS APPLICATIONS:

Application #06323-0

Applicant: Fransen, B.A.
Decision Date: None.
Proposal: To place a mobile home on the property.
Decision: Cancelled by applicant.

RELEVANT APPLICATIONS:

Application #28779-0

Applicant: Stelter, Adolph & Margarete
Decision Date: April 26, 1994
Proposal: To subdivide the two lots totaling 68 ha into seven lots of approximately 9.5 ha.
Decision: Refused as submitted on the grounds property used as a dairy farm and has good agricultural potential based upon available soils information.

Application #29433-0

Applicant: Peter Hill Holdings Ltd
Decision Date: March 01, 1995
Proposal: To subdivide the 16.2 ha subject property into two parcels, each 8.1 ha in size.
Decision: Refused as submitted on the grounds that the proposed subdivision would reduce the agricultural potential of the property and heighten the expectations of surrounding property owners.

Application #33043-0

Applicant: Stelter, Adolf & Margarete
Decision Date: February 22, 2000
Proposal: Propose to subdivide the 44.9 ha (111 acre) property into a homesite lot of 1.9 ha and a 43 ha remainder. The applicant wishes to retain 3 additional dwellings on the homesite parcel.
Decision: Refused on the grounds that it is unreasonable to create a large homesite lot with three dwellings on it when these dwellings form an integral part of the farm buildings from an operational viewpoint.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Council:

The Council has a standing resolution that all rural non-farm second dwelling applications be forwarded directly to the ALC for consideration.

STAFF COMMENTS:

It is recommended that the Commission consider the following:

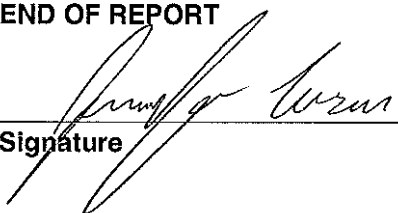
- The ALC does have a policy permitting the construction of multiple residences provided that they are necessary for the agricultural operation of the farm.
- A site visit with the applicants will help the Commission to determine whether or not the secondary residence is required for agricultural operations.
- The improved ratings of the subject property are prime (Class 2 and Class 3)

ATTACHMENTS:

1. Base Map
2. Agricultural Capability Map
3. Aerial Photograph
4. Photographs provided by applicant (3)
5. Sketch of Proposal

END OF REPORT

Signature



Date

June 23, 2007