



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

Reply to the attention of Terra Kaethler
ALC File: 52134

April 8, 2011

Daniel Joseph Dussault
Mary Du Sault
12283 – 244th St
Maple Ridge, BC V4R 1K9

Dear Sir/Madam:

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

Please find attached the Minutes of Resolution # **135/2011** outlining the Commission's decision as it relates to the above noted application.

ALC Policy #10 is attached for your reference.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Brian Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes/ ALC Policy #10

cc: District of Maple Ridge (3060 – 20/ALRA-Prior)

TK/
52134

The Commission noted that the property had prime agricultural capability and could support a wide range of crops.

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. As such, 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 Commission does not favour increased residential development in an area capable of agricultural use. It was the view of the Commission that two permanent dwellings on the subject property would decrease the agricultural opportunities on the property in the long-term.

Conclusions

1. That the land under application has agricultural capability.
2. That the land under application is suitable for agricultural use.
3. That the proposal will impact agriculture.

IT WAS

MOVED BY: Commissioner Tomlinson

SECONDED BY: Commissioner Pranger

THAT the application be refused.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- S.33 (1) *On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that*
- (a) evidence not available at the time of the original decision has become available,*
 - (b) all or part of the original decision was based on evidence that was in error or was false.*
- (2) *The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.


CARRIED
Resolution # 135/2011

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 <p>Agricultural Land Commission Act</p>	<p style="text-align: right;">Policy #10 March 2003</p> <p style="text-align: center;">BUILDING NEW RESIDENCE WHILE OCCUPYING EXISTING RESIDENCE</p>
<p><i>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.</i></p>	

It is the policy of the Commission that no application to the Commission is required:

- where there is one existing residence on the parcel;
- the existing residence will be demolished, moved off the property, or made uninhabitable upon occupancy of the new residence, and
- a bond or Letter of Credit and an affidavit (or such other assurances as determined by an authority issuing the building permit) ensuring demolition or removal of the initial residence, or that the initial residence is uninhabitable, has been posted with the authority issuing the building permit.

In cases where the initial residence and new residence are to be used for and are necessary for legitimate farm purposes, no application is required. See Commission policy "**Additional Residences for Farm Use**". In addition a 'manufactured home' for residential use by immediate family members of the owner is permitted under the **ALR Use, Subdivision and Procedure Regulation**. See Commission Policy "**Permitted Uses in the ALR: Residential Uses**".

However, an application to the Commission is required if there is an existing residence on the parcel, the existing residence will be retained and inhabited and the additional residence is not required for legitimate farm purposes.