



Agricultural Land Commission
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June 22, 2016

ALC File: 54166

George and Sheri Braun
7830 Telegraph Trail
Langley, BC V1M 2R8

Dear Mr. and Mrs. Braun:

Re: Application to Conduct a Non-Farm Use in the Agricultural Land Reserve

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #224/2016) as it relates to the above noted application.

Your attention is drawn to s. 33(1) of the *Agricultural Land Commission Act* which provides a person affected the opportunity to submit a request for reconsideration.

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.

Please note that pursuant to s. 33.1 of the *Agricultural Land Commission Act*, the Chair may direct the executive committee to reconsider this panel decision if, within 60 days from the date of this decision, he considers that the decision "may not fulfill the purposes of the commission as set out in section 6". I can advise you that in this case, the Chair has already reviewed the decision and has instructed me to communicate to you that he does not intend to exercise that authority in this case.

Further correspondence with respect to this application should be directed to Liz Sutton at (Elizabeth.Sutton@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A large, stylized handwritten signature in black ink, appearing to be 'CJF', is written over the signature line.

Colin J. Fry, Director of Policy and Planning

Enclosure: Reasons for Decision (Resolution #224/2016)

cc: Township of Langley – Attention: Kelsey Gill (File: AC000066), via electronic mail

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AGRICULTURAL LAND COMMISSION FILE 54166

**REASONS FOR DECISION
OF THE SOUTH COAST PANEL**

Application submitted pursuant to s. 20(3) of the *Agricultural Land Commission Act*

Applicants:

**Norma Sheri Braun
George Braun
(the "Applicants")**

Application before the South Coast Regional Panel:

**William Zylmans, Panel Chair
Gordon McCallum
Satwinder Bains**



THE APPLICATION

[1] The legal description of the property involved in the application is:

Parcel Identifier: 010-933-425

Lot 5, Section 22, Township 11, New Westminster District, Plan 3255
(the "Property")

[2] The Property is 7.4 ha in area.

[3] The Property has the civic address 7830 Telegraph Trail, Langley.

[4] The Property is located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").

[5] The Property is located within Zone 1 as defined in s. 4.2 of the ALCA.

[6] Pursuant to s. 20(3) of the ALCA, the Applicants are applying to construct a permanent second residence on the Property (the "Proposal"). The Proposal along with supporting documentation is collectively referred to hereafter as the "Application".

[7] On November 13, 2015, the Chair of the Agricultural Land Commission (the "Commission") referred the Application to the South Coast Regional Panel (the "Panel").

RELEVANT STATUTORY PROVISIONS

[8] The Application was made pursuant to s. 20(3) of the ALCA:

20(3) An owner of agricultural land or a person with a right of entry to agricultural land granted by any of the following may apply to the commission for permission for a non-farm use of agricultural land.

[9] The Panel considered the Application within the context of s. 6 of the *ALCA*:

- 6 The following are the purposes of the commission:
- (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 BEFORE THE PANEL

[10] The Panel considered the following evidence:

- 1. The Application;
- 2. Local government documents;
- 3. Additional correspondences from the Applicants via electronic mail; and
- 4. Agricultural capability map, ALR context map and satellite imagery.

All documentation noted above was disclosed to the Applicants in advance of this decision.

[11] The Township of Langley (the "Township"), by standing resolution on January 8, 2007, resolved to forward all non-farm use applications related to second dwellings to the Commission for review pursuant to s. 25(3) of the *ALCA*.

SITE VISIT

[12] On March 11, 2016, the Panel conducted a walk-around site visit in accordance with the *Policy Regarding Site Visits in Applications* (the "Site Visit").

[13] A site visit report was prepared in accordance with the *Policy Regarding Site Visits in Applications* and was provided to the Applicant on June 20, 2016.

FINDINGS

[14] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and 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 identified on BCLI map sheet 92G/2(h) for the mapping units encompassing the Property are Class 2, Class 3 and Class 4, the majority of the Property has the classification (5:2TD – 3:3TD – 2:3DW).

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 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

The limiting subclasses associated with this parcel of land are A (soil moisture deficiency), D (undesirable soil structure), T (topography (slope)) and W (excess water).

In this regard, the Panel finds that the land making up the Property is capable of supporting agriculture and is appropriately designated within the ALR.

[15] The Applicants have indicated that the proposed second permanent residence would accommodate farm help; their daughter would reside in the proposed residence and work on the Property. In particular, the Applicants intend on developing a manuka plantation and honey operation.

- [16] In order to consider additional residences necessary for farm help, any existing residence(s) should be used primarily by people working on the farm. The existing residence on the Property is used by the Applicants. However, as discussed at the Site Visit, the Applicants do not live in the existing residence all year and also own farm land on Salt Spring Island. The Panel finds that the current residence on the Property could provide sufficient residential accommodation and an additional permanent residence would not be necessary to operate a farm on the Property.
- [17] The proposed location of the new residence would eliminate a potentially productive portion of the Property. The Panel finds that the Proposal would result in an unnecessary impact on agricultural land.
- [18] The permanent nature of the Proposal may not reflect potential changes to the agricultural use of the Property in the future. For instance, the Applicants may not achieve the desired level of manuka production, abandon the proposed farm operation, or the proposed agricultural operation could change at some time in the future. As a result, the Panel finds that the Proposal may impact the long-term agricultural use of the Property.
- [19] BC Regulation 171/2002 (*Agricultural Land Reserve Use, Subdivision and Procedure Regulation*) (the "Regulation") permits specific additional residential use in the ALR, s. 3(1)(b) states:
- 3 (1) The following land uses are permitted in an agricultural land reserve unless otherwise prohibited by a local government bylaw or, for lands located in an agricultural land reserve that are treaty settlement lands, by law of the applicable treaty first nation government:*
- ...
- (b) for a parcel located in Zone 1,*
- (i) one secondary suite within a single family dwelling, and*
- (ii) either*
- (A) one manufactured home, up to 9 m in width, for use by a member of the owner's immediate family, or*

(B) accommodation that is constructed above an existing building on the farm and that has only a single level.

The Panel finds that the residential uses accommodated in the Regulation are sufficient with respect to the Property along with the current and proposed agricultural production, constructing an additional permanent residence on the Property would not be appropriate.

DECISION

[20] For the reasons given above, the Panel refuses the Proposal to construct a permanent second permanent residence on the Property.

[21] Panel Chair **William Zylmans** concurs with the decision.

Commissioner **Gordon McCallum** concurs with the decision.

Commissioner **Satwinder Bains** concurs with the decision.

[22] Decision recorded as Resolution #224/2016.

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

Upon instruction of the Panel, I have been authorized to release the Reasons for Decision by Resolution #224/2016. The decision is effective upon release.



Colin J. Fry, Director of Policy and Planning

June 21, 2016
Date Released