



Agricultural Land Commission
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May 5, 2016

ALC File: 54198

Cody Leach
19988 Beacon Road
Hope, BC V0X 1L2

Dear Mr. Leach:

Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #139/2016) as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly. A sketch plan depicting the decision has been attached.

Please send one (1) electronic copy or two (2) paper prints of the final survey plan to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

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 Eamonn Watson at (Eamonn.Watson@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Colin J. Fry, Chief Tribunal Officer

Enclosures: Reasons for Decision (Resolution #139/2016)
Sketch plan

cc: Fraser Valley Regional District – Attention: Dawn Smith (File: 3015-20-2015-02)
Via electronic mail



AGRICULTURAL LAND COMMISSION FILE 54198

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

Application submitted pursuant to s. 21(2) of the *Agricultural Land Commission Act*

Applicants:

**Janet Lynn Leach
James Ernest Leach
(the "Applicants")**

Agent:

**Cody Leach
(the "Agent")**

Application before the South Coast Regional Panel:

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



THE APPLICATION

[1] The legal descriptions of the properties involved in the application are:

Property One

Parcel Identifier: 009-315-357

Parcel "5" (Bylaw Plan 8809), Section 20, Township 4, Range 27, West of the 6th Meridian, New Westminster District, Plan 1447K

Area: 0.2 ha

Civic Address: 58381 Dent Road, Laidlaw

Property Two

Parcel Identifier: 009-315-187

Lot "A", Except: Part Subdivided by Plan 37989; Section 20, Township 4, Range 27, West of the Sixth Meridian, New Westminster District, Plan 23054

Area: 4.8 ha

Civic Address: 58428 McKay Road, Laidlaw

(collectively referred to hereafter as the "Properties")

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

[3] The Properties are located within Zone 1 as defined in s. 4.2 of the *ALCA*.

[4] Pursuant to s. 21(2) of the *ALCA*, the Applicants are applying to adjust the legal lot boundary of the Properties to create two (2) parcels of generally the same size (approximately 0.2 ha and 4.8 ha) but with a different configuration (the "Proposal"). The Proposal along with supporting documentation is collectively referred to hereafter the "Application".



[5] On January 29, 2016, the Chair of the Agricultural Land Commission (the “Commission”) referred the Application to the South Coast Regional Panel (the “Panel”).

RELEVANT STATUTORY PROVISIONS

[6] The Application was made pursuant to s. 21(2) of the *ALCA*:

21(2) An owner of agricultural land may apply to the commission to subdivide agricultural land.

[7] 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

[8] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Agricultural capability map, ALR context map, and satellite imagery

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



[9] The Fraser Valley Regional Board resolved to forward the Application to the Commission “with support for consideration on the basis of agricultural land use planning.”

SITE VISIT

[10] The Panel, in the circumstances of the Application, did not consider it necessary to conduct a site visit to the Property based on the evidentiary record associated with the Application.

FINDINGS

[11] The Applicants have indicated that the Proposal would allow for better access to the smaller property (Property One), which is currently very narrow (approximately 10 m). In addition, the Applicants state that the Proposal would ensure that the larger property (Property Two) is more effectively used as pasture for grazing and for hay production. Presently, the lot configuration requires non-farm vehicles accessing the rear (north) end of Property One to drive on Property Two, which negatively impacts this area. The Panel finds that the Proposal would be a more appropriate configuration for the Properties, given the existing agricultural and residential uses.

[12] The current and potential agricultural use of the land that would be exchanged between the Properties is similar. The Panel finds that the Proposal would create more appropriate legal lot boundaries with no change to total size of the Properties.

DECISION

[13] For the reasons given above, the Panel approves the Proposal to adjust the legal lot boundary of the Properties to create two (2) parcels of generally the same size (approximately 0.2 ha and 4.8 ha) but a different configuration.

[14] The Proposal is approved subject to the following conditions:

- a. The subdivision must be in substantial compliance with the plan submitted with the Application; and
- b. The subdivision plan must be completed within three (3) years from the date of this decision.

[15] 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.

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

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

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

[17] Decision recorded as Resolution #139/2016.

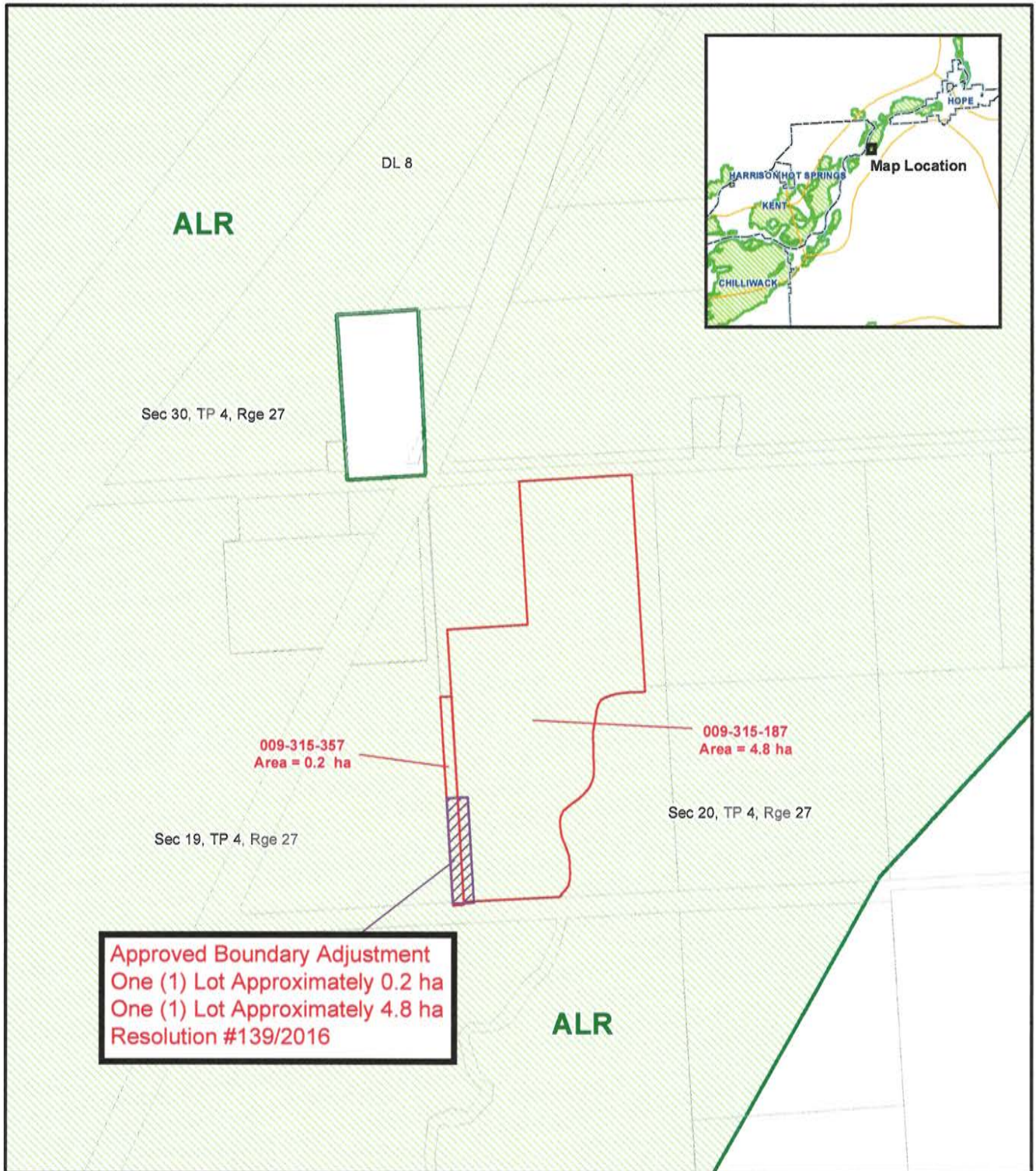
A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *ALCA*.

Upon instruction of the Panel, I have been authorized to release the Reasons for Decision by Resolution #139/2016. The decision is effective upon release.



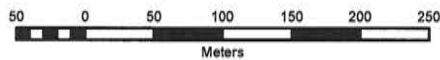
Colin J. Fry, Chief Tribunal Officer

May 4, 2016
Date Released



ALC Context Map

Map Scale: 1:5,000



ALC File #:	54198
Mapsheet #:	92H.032
Map Produced:	Dec 16, 2015
Map Modified:	May 4, 2016
Regional District:	Fraser Valley